



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

March 8, 2006

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Mayor David Dermer
 Vice-Mayor Saul Gross
 Commissioner Matti Herrera Bower
 Commissioner Simon Cruz
 Commissioner Luis R. Garcia, Jr.
 Commissioner Jerry Libbin
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
 City Attorney Murray H. Dubbin
 City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

- PA1 Certificates of Appreciation/(6) Establishments, Contributing to the Beautification of the City.
- PA2 Proclamation in Honor of Women's History Month.
- PA3 Certificates of Appreciation/ "At Your Service Award" Winners for January & February 2006.
- PA4 Proclamation Marking National Library Week (April 2-8, 2006). (Dermer)
- PA5 **New Item:** Check Presented to the City by the National Football League.
- PA6 **New Item:** Proclamation/Detective Gustavo Sanchez, Officer of the Year. (Steinberg)
- PA7 **New Item:** Proclamation/Pat Schneider, Assistant Police Chief, Retiring from the City. (Cruz)
- PA8 **New Item:** Proclamation Marking "Bike to Work Week" (March 6-11, 2006).

- C2A Approve Purchase, (1) 2007 Thomas C2 47-Capacity Conventional School Bus, \$64,397.
- C2B Approve Purchase, Several Vehicles (Van, SUV, Police Pursuit & Truck), \$105,732.15.
- C2C Issue RFP, Parking Meter Collection Services for City's Parking System.
- C2D Issue RFP, Removal and Disposal of Derelict Vessels.

- C4A Ref: Neighborhoods/Community Affairs Committee - "Drift" Art to be placed in S. Pointe Park.
- C4B Ref: Finance & Citywide Projects Committee - Exercise Renewal Term of City's Agreements.
- C4C Ref: Finance & CWP Committee - Mgmt of Food & Beverage Services in Cultural Facilities.
- C4D Ref: Neighborhoods/Community Affairs Committee - Transportation & Parking Committee.
- C4E Ref: Land Use & Development Committee - Height Variances Ordinance. (Bower)
- C4F Ref: Neighborhoods/Community Affairs Committee - Campaign Finance Laws Ordinance.

- C6A Report: Neighborhoods/Community Affairs Committee on February 2, 2006.
- C6B Report: G.O. Bond Oversight Committee Meeting on February 6, 2006.
- C6C Report: Finance & Citywide Projects Committee on February 16, 2006.
- C6D Report: Land Use & Development Committee on February 27, 2006.

- C7A Execute Amendment, Provide Project Mgmt Services & Additional Support to the CIP Office.

C7B Execute Amendment, ROW Infrastructure Improvements Project: Biscayne Point.
 C7C Appropriate Funds, Complete Miami Beach Golf Club Course Construction Project.
 C7D Issue PO, Upgrades to the LifePak 12 Defibrillator/Monitors used by Fire Rescue.
 C7E Submit Grant Applications to Several Funding Agencies.
 C7F Reject Proposals, Development of Public/Private Parking Facilities South of Dade Blvd.
 C7G Direct Planning Dept., Designation of Certain City-Owned Monuments, Fountains, etc.
 C7H Accept Recommendation, Impact Analysis & Mitigation Development System.
 C7I Accept Recommendation, Proposed 400 Space Cultural Campus Parking Garage.
 C7J Accept Recommendation, General Transportation Planning/Traffic Engineering Consulting.
 C7K Approve Proposed Final Plat of "Villagio Bay I" and "Villagio Bay II."
 C7L Set Public Hearing, Consider After-the-Fact Revocable Permit for Raleigh Hotel.
 C7M Ratify Contract, Replace all Windows, Doors, & Frames at South Shore Community Center.
 C7N Ratify Contract, Replace Structural Floor at Fire Station No. 3.
 C7O Ratify Contract, Replace Domestic Water Lines at Fire Station No. 1.
 C7P Ratify Selection, Emergency Repairs to the Venetian Causeway Water Main.
 C7Q D-Accept Donation, Purchase Handheld Universal Microchip Scanner for Police Department.
 C7R Set Public Hearing, Lease Agreement for City-Owned Property at 22 Washington Avenue.
 C7S Waive Bid, Authorize Property Mgmt Dir. to Purchase all Necessary Goods/Services. **5/7**
 C7T Waive Bid, Approve (3) Year Sponsorship Agreement with IZOD. **5/7**
 C7U Reso re: Multifamily Affordable Housing Properties. (Steinberg) **(Item moved from Regular)**

R5A **10:15 a.m. 2nd Rdg**, Merge Retirement System for General Employees.
 R5B **10:20 a.m. 2nd Rdg**, Amend Employee Benefits Plans (Group Health Insurance).
 R5C **10:25 a.m. 2nd Rdg**, Amend No. 789, Classified Employees Salary Ordinance.
 R5D **10:30 a.m. 2nd Rdg**, Naming of Public Facilities/Establishments of Monuments & Memorials.
 R5E **10:35 a.m. 2nd Rdg**, Regulation of Mobile Storage Containers. (Steinberg) **5/7**
 R5F **10:40 a.m. 2nd Rdg**, Amend Shapiro Ordinance (Sale/Lease of Public Property). (Steinberg)
 R5G **10:50 a.m. 2nd Rdg**, Parking Pedestal Design Requirements. **5/7**
 R5H **5:01 p.m. 1st Rdg**, Development Regs. for Single-Family Lots Abutting Golf Course Dist. **5/7**
 R5I **5:02 a.m. 2nd Rdg**, Amendment to the Noise Ordinance.
 R5J **W-1st Rdg**, Amendment to CD-1 Commercial, Low Intensity District. **5/7**
 R5K **Emergency Item**, Ban on Sexual Predators in Parks Ordinance. (Steinberg) **5/7**

R7A Provide Additional Appropriations from FY 2005/06 Pay-As-You-Go Capital Fund.
 R7B Appropriate FY 2004/05 PTP Funds, Citywide ROW Improvement Projects.
 R7C **11:30 a.m.** Authorize Loans from City of Gulf Breeze Loan Pool Program.
 R7D Approve Agreement w/ IBM, Citywide Wireless Network.
 R7E City Manager's Annual Evaluation.

R9A Board & Committee Appointments.
 R9A1 Board & Committee Appointments - City Commission Appointments.
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C Discuss Normandy Isle Park & Pool Project.
 R9D **11:15 a.m.** Discuss Mt. Sinai Med. Ctr.-Hurricane Mitigation Funding.(Steinberg/Cruz/Garcia)
 R9E **Noon**, Committee of the Whole: City Manager's Performance Evaluation. (Steinberg/Dermer)
 R9F **11:00 a.m.** Discuss Resolution re: Equal Rights Amendment. (Dermer)
 R9G **4:55 p.m.** Discuss Procedure for Distributing Homeowner's Dividend Fund. (Steinberg)
 R9H Reso re: Multifamily Affordable Housing Properties. (Steinberg) **(Item Moved to Consent)**

A City Attorney's Status Report.
 B Parking Status Report.
 C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
 D Status Report: Construction of Fire Station No. 4.
 E Status Report: Normandy Isle Park & Pool Project.
 F Status Report: Pump Station No. 28.
 G Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.

1A Report: Itemized Revenues/Expenditures of RDA's City Center District & South Pointe.
 2A Execute Quit Claim Deeds for: 131 Alton Rd, S. Shore Library, & 224 23rd St. Parking Lot.
 2B Approve 1-Year Renewal, Leasing Agmt w/MBCDC, Anchor Shops & Parking Garage.

Meeting called to order at 9:22:03 a.m.

Pledge of Allegiance led by Chief De Lucca.

Invocation given by Father Tito Soler of St. Patrick's Catholic Church and Rabbi Appelbaum from Temple Beth Schmuel.

Mayor Dermer stated that the City is fortunate to have two Beautification Award winners from St. Patrick's Catholic Church and Temple Beth Schmuel to do the invocation.

Times based on the digital recording in the City Clerk's Office

Supplemental Materials: Additional Information/Resolution

C7K (Revised Exhibit), C7S (Resolution) and R7D (Contract).

10:27:30 a.m.

Addendum items: R5K and R9H

ACTION: Motion made by Commissioner Steinberg to add item R5K and R9H as emergency items to the Commission Agenda; seconded by Commissioner Cruz. Items added without objection. Item R9H was changed to Item C7U and added to the Consent Agenda.

Presentations and Awards

9:24:51 a.m.

PA1 Certificates Of Appreciation To Be Presented To Rond Point Condominium, Alexander All Suites Oceanfront Resort, St. Patrick's Church, Grand Venetian Condominium, Temple Beth Schmuel And Special Recognition To North Beach Elementary By The City Of Miami Beach Beautification Committee For Their Efforts In Contributing Significantly To The Beautification Of The City And Its Citizens.

(Parks & Recreation)

ACTION: Certificates presented.

Mayor Dermer stated that the Beautification Committee does a great job and thanked the members for recognizing and giving awards to the beautiful buildings in the City.

Elizabeth Resnick, Chairperson of the Beautification Committee, introduced members of the Beautification Committee; Norma Weinstein, Helene Owen, Maria Harris and Debbie Schwartz, who was not present. She welcomed John Oldenburg as the City Liaison from the Parks and Recreation Department and thanked Kevin Smith, Parks and Recreation Director, for his support to the Committee. She explained that over the holiday season the Committee works with Jorge Gonzalez, City Manager, and Kevin Smith, Parks and Recreation Director, to make the City beautiful and bright. Each year the Committee nominates and selects properties as recipients of the Beautification Award. This award is given to businesses, commercial properties and non-profit organizations located in the City of Miami Beach that provide significant contributions to the aesthetic beauty and landscape of the City and have no liens or violations. She commended and congratulated them for maintaining their properties and presented the certificates.

9:34:22 a.m.

PA2 Proclamation To Be Presented In Honor Of Women's History Month.
(City Manager's Office)

ACTION: Proclamation presented.

Ana Kasdin, member of the Miami Beach Commission on the Status of Women, invited everyone to the Women Worth Knowing Event that will take place on Thursday, March 30, 2006 at 6:30 p.m., at the South Beach Marriott Hotel. The four "Women Worth Knowing" this year are Merle Weiss, Jane Gross, Jo Asmundsson and Dale Gratz.

Donna Zemo, member of the Miami Beach Commission on the Status of Woman, accepted the proclamation and thanked the City Commission on behalf of the Commission on the Status of Women.

Mayor Dermer stated that the City proudly proclaims this month Women's History Month.

Vice-Mayor Gross stated that today is also International Women's Day.

9:42:12: a.m.**9:53:23 a.m.**

PA3 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners, Scott Todd And Ariel Sosa, For The Months Of January And February 2006.
(City Manager's Office)

ACTION: Certificates presented.

Fire Division Chief Javier Otero stated that Lieutenant Scott Todd approached him with a written detail for training that in his opinion the department was lacking. Chief Otero requested Scott to send this via-email for editing, but Scott explained that he did not know how to send an attachment. Two weeks later Chief Otero received the attachment from Scott. Chief Otero also asked Scott for a PowerPoint presentation. Approximately two months later Scott had taught himself on this application and had completed the PowerPoint presentation. He added that Scott trained everyone on his shift and requested to do a Department wide training; he additionally trained eighty units for Miami-Dade County. Lieutenant Scott Todd has always taken a challenge and gone above and beyond expectations. At the present time, he is in the process of training City of Miami personnel and now the department is negotiating with Orange County for training; this not only helps the department but is also an excellent savings to the City.

9:53:54 a.m.

Jorge Gonzalez, City Manager stated that the "At Your Service Award" is an employee based and an employee selected process by peers. The previous recipients review applications for the following recipients. He stated that Ariel Sosa is the winner for February and introduced Gladys Acosta, Acting IT Director.

Gladys Acosta, Acting IT Director, stated that she nominated Ariel Sosa because he is an exceptional employee in the Department. He is the Acting Telecom Manager and is responsible for the citizens contact system, which is the system that notifies citizens and employees during hurricanes. She explained that if the WiFi is approved today he will be the Project Manager for the implementation of that system. On another note, she congratulated him for the soon arrival of his first baby.

Ariel Sosa thanked the City Commission for the opportunity and stated that he takes great pride in what he does and he is very happy. He said that he honestly loves his job.

9:36:35 a.m.

PA4 Proclamation To Be Presented Marking National Library Week (April 2-8, 2006).
(Requested by Mayor David Dermer)

ACTION: Proclamation presented.

Mayor Dermer stated that he presents this proclamation with great pride. He stated that the City has some of the finest libraries; certainly the new regional library is the nicest in the county. He thanked all the board members for their services.

Ann Kasdin, as representative of the Library, accepted the proclamation marking National Library Week.

9:46:21 a.m.

New Item:

PA5 Check Presented To The City of Miami Beach By The National Football League.

ACTION: The Miami Beach Community Development Corporation (MBCDC) presented a \$100,000 check to the City.

Mayor Dermer explained that the City is receiving a grant for the restoration of the Memorial Field in Flamingo Park, including renovation of the irrigation and draining systems, replacing soil and sod and other improvements in the field. The renovation work has been substantially completed for the 2005 football season. He acknowledged distinguished guests Twan Russell and Nat Moore from the Miami Dolphins, Roberto Datorre from MBCDC, Ana Jenkins, Senior Program Director for South Florida LISC, and Rosa Tale, Senior Program Officer for South Florida LISC, and thanked them for being here.

Roberto Datorre, President MBCDC, spoke.

Ana Jenkins, Senior Program Director, spoke.

Nat Moore from the Miami Dolphins spoke.

Mayor Dermer thanked Kevin Smith, Parks and Recreation Director, and the entire Parks Department for the wonderful job they are doing with the parks programs; it is better than ever. He also thanked Jorge Gonzalez, City Manager.

Jorge Gonzalez, City Manager, recognized Commissioner Bower for being the advocate to improve the City's parks and park programs.

Handout or Reference Materials:

1. Miami Beach Community Development Corporation presentation given by Roberto Datorre

9:41:51 a.m.

PA6 Proclamation Presented To Detective Gustavo Sanchez, Officer Of The Year.
(Requested by Commissioner Steinberg)

ACTION: Proclamation presented.

Commissioner Steinberg stated that the City is honored to have Detective Gus Sanchez here today. Detective Sanchez was awarded with the Officer of The Year Award from the Miami- Dade County Board of Police Chiefs. This Board looks at all the police departments in the county and selects the officer that has performed at a level above all others.

Chief Don De Lucca stated that Gus has done an outstanding job during his almost 20 years of employment and introduced Captain Brian Sliman to explain why he was selected as Officer of the Year.

Police Captain Sliman explained in detail the incident that occurred in August of 2005 when Tropical Storm Irene hit the City and two tourist students were swimming in rough seas. Detective Sanchez was not on duty but responded on his own time to the call. He put his own life in peril due to the rough seas and was able to rescue one of the ladies back to shore. The Police Department is very proud to have Gus working here because he is a fine example of a professional law enforcement officer and for that he was presented with the Officer of the Month Award for the Miami Beach Police Department, the Miami-Dade County Police Department Officer of the Month, and Miami- Dade County Police Chiefs Officer of the Year. This is a great honor because twenty six municipalities compete for this honor.

Mayor Dermer also informed that the Officer of the Year Award for Miami Dade County has been awarded to a Miami Beach Police Officer for three of the last four years and this is something to be very proud of.

9:35:54 a.m.

PA7 Proclamation Presented To Pat Schneider, Assistant Chief of Police On Her Retirement From The City Of Miami Beach.
(Requested by Commissioner Cruz)

ACTION: Item deferred.

Commissioner Cruz announced the passing of Assistant Chief Schneider's father.

9:56:08 a.m.

PA8 Proclamation Marking "Bike To Work Week" March 6 thru March 11, 2006.

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, indicated that this is a proclamation declaring "Bike to Work Week" March 6 thru March 11, 2006. He stated that this is a national event founded in 1956 by the League of American Bicyclists in an effort to encourage alternative means of transportation.

Fred Beckmann, Public Works Director, added that this is the first time that the City is organizing "Bike to Work Week." This shows the commitment from the City Administration to promote other means of transportation and also to make sure that we continue to maintain the quality of life for the residents. The City hired a full time, young and enthusiastic professional, Christine Leduc, who is very committed to this project. She is dedicated to work with the CIP programs to look for

opportunities to find areas to provide bike lanes.

Christine Leduc, Bicycle Program Coordinator, announced that the City has initiated this program because it will improve the quality of our community. She explained that there will be informational tables on two locations in the City for citizens to learn about the program, at the North Shore Youth Center on Thursday, March 9th, from 3:00- 6:00 p.m., and at City Hall on Friday, March 10th from 11:00 a. m. to 2:00: p.m. There will also be a Safe Cycling Workshop on Saturday, March 11, 2006 from 10: 00 a.m. to 2:00 p.m.

Commissioner Libbin recognized Gabrielle Redfern for her perseverance on this issue.

Commissioner Steinberg also thanked Gabrielle and appointed her to represent the City at the MPO on the bicycle issue countywide. He stated that she will be a strong advocate for the City of Miami Beach when it comes to funding on this issue making sure that the City gets its fair share.

Gabrielle Redfern thanked the City Commission for appointing her to the Bicycle Pedestrian Advisory Committee of the MPO. She is thrilled to be here today with the bicycle she has had since the age of 18 and further explained that this has been a personal dream since she moved to Miami Beach.

New Item:

10:04:21 a.m.

Roberto Datorre introduced Antonio Gijon from the City of Marbella, Spain. He explained that the City of Marbella, Spain, is eager to start a sister relationship with the City of Miami Beach. He added that the committee will make the official recommendation to the City Commission to accept Marbella to the Sister Cities Program.

Antonio Gijon, representing Marbella, Spain, spoke in Spanish while Amparo Vargas served as translator.

Commissioner Steinberg added that there is also a Nikki Beach in Marbella.

Commissioner Cruz stated that Marbella had a redevelopment council with an exposition and Julian Linares was invited to attend and they asked him to speak on Miami Beach's redevelopment and how they develop from the 1980's to the present. They are very interested to follow the same model that the City of Miami Beach set between public and private investments, stimulation of tourism, building hotels, etc.

Commissioner Garcia stated that Miami Beach and Marbella are well matched Cities and there can be an exchange on tourism.

Commissioner Bower stated that she had the pleasure of meeting with him to learn about the City of Marbella and is looking forward to accomplish this and added that the Sister Cities should be really a good match of cities. She indicated that the economical development is very important for both cities.

Antonio Gijon stated that the relationship needs to be economical, cultural and social.

Handout or Reference Materials:

1. Book of pictures in color of Marbella entitled "Marbella a Way of Life."

CONSENT AGENDA

ACTION: Motion made by Commissioner Cruz to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Purchase From Freightliner Of South Florida, In The Amount Of \$64,397.00, One (1) 2007 Thomas C2 47 - Capacity Conventional School Bus, Pursuant To Florida Department Of Education Contract No. 2005-15.
(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

11:02:09 a.m.

- C2B Request For Approval To Purchase, Pursuant To Florida State Contract No. 04-12-0823, One (1) 2006 Ford E-250 Cargo Van, Two (2) 2006 Ford 500 Vehicles, One (1) 2006 Ford Escape 4x2 And One (1) 2006 Ford Crown Victoria Police Pursuit Vehicle, From Duval Ford, In The Amount Of \$92,126.00; And One (1) 2006 Ford F-150 4x2 Pick Up Truck, From Don Reid Ford, In The Amount Of \$13,606.15.
(Fleet Management)

ACTION: Item separated for discussion by Commissioner Garcia. **Mayor Dermer stated that this item will be considered as part of the Consent Agenda and was awarded without objections subject to a review of the analysis with Commissioner Garcia.** Drew Terpak to handle.

Commissioner Garcia stated that he has a little bit of experience in procurement and didn't understand why the City is purchasing from a Duval County company. He explained that he spoke to Jorge Gonzalez, City Manager, and was told that there are no existing contracts in Miami-Dade County. He directed the Administration to go to the 23rd floor of the Miami-Dade County building, and offered to go with them, to see if there are any local companies which will offer a comparable price or better. He stated that it doesn't make sense to purchase from a dealer in the other end of the State.

Robert Middaugh, Assistant City Manager, explained that Fleet Management has done a very careful analysis of the contracts which are available to the City and found in every case that the price the City is getting is lower by a thousand or more dollars depending on the type of vehicle.

Commissioner Garcia requested a breakdown of the specifications and the analysis of the prices.

Jorge Gonzalez, City Manager, suggested approving this item, subject to the Administration meeting with Commissioner Garcia and showing him the analysis. He stated that the Administration always tries to award to the lowest bidder.

Commissioner Garcia stated that he will be happy to go with the Administration to the 23rd Floor of Miami-Dade County Building, the Procurement Division, to try to get the best price.

- C2C Request For Approval To Issue A Request For Proposals (RFP) For Providing Parking Meter Collection Services For The City's Parking System.
(Parking Department)

ACTION: RFP Amended as listed in the Time Certain - Corrections

Correction:

Minimum Requirements/Qualifications: Section 1-a. Delete the word "daily," and 1-b. Delete the words "multi-space."

Gus Lopez to issue the RFP. Saul Frances to handle.

- C2D Request For Approval To Issue A Request For Proposals (RFP) For The Removal And Disposal Of Derelict Vessels.
(Procurement)

ACTION: Gus Lopez to issue the RFP. Fred Beckmann to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The "Drift" By The Artist Inigo Manglano-Ovalle To Be Commissioned For Placement In South Pointe Park, As Recommended By The Art In Public Places Committee.
(Tourism & Cultural Development)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Max Sklar to handle.

- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding Exercising The Renewal Term Of The City's Agreement With SMG For The Management And Operation Of The Miami Beach Convention Center, The Jackie Gleason Theater Of The Performing Arts, Colony Theater, Byron Carlyle Theater, And Little Stage Theater.
(Tourism & Cultural Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Max Sklar to handle.

- C4C Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Issuance Of A Request For Proposals For The Management And Operation Of Professional Food And Beverage Services For The Miami Beach Convention Center, With An Option To Manage Food And Beverage Services At Other City Cultural Facilities, If Deemed To Be In The City's Best Interest.
(Tourism & Cultural Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Hilda Fernandez to handle.

- C4D Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Composition Of The Transportation & Parking Committee.
(Parking Department)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Saul Frances to handle.

- C4E Referral To The Land Use And Development Committee - Ordinance Prohibiting Height Variances Without City Commission Approval Or Public Referendum.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

- C4F Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Amending City Code For The Purposes Of Expanding The Types Of Transactions In Which The City Must Provide Notice Of Its Campaign Finance Laws.
(City Attorney's Office)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Legal Department to handle.

C6 - Commission Committee Reports

- C6A Report Of The Neighborhoods/Community Affairs Committee Meeting On February 2, 2006: **1)** Discussion Regarding Allowing The Dogs To Use The Beach For Swimming, North Of South Pointe Pier; **2)** Discussion Regarding The Sexual Predator Ordinance; And **3)** Discussion Of Issuance Of An RFP For Feasibility Study Of Undergrounding Utilities In The City Of Miami Beach.

ACTION:

Item No 1:

There was no motion however, this item will return to the next Neighborhoods/Community Affairs Committee for further public discussion and a report on the Ft. Lauderdale Canine Beach permits.

Item No. 2:

Commissioner Libbin made a motion to opt out of the County's sexual predator ordinance and have the proposed amendments brought back to the Neighborhoods/Community Affairs Committee for discussion. The motion passed unanimously.

City Clerk's note: Item No. 2: See Commission Agenda February 8, 2006, item R7C (Resolution No. 2006-26103)

Item No. 3:

Commissioner Libbin made a motion, seconded by Vice-Mayor Steinberg to hire a consultant and bring this matter back before the Committee. The motion passed unanimously. **Fred Beckmann to handle.**

C6B Report Of The G.O. Bond Oversight Committee Meeting On February 6, 2006: **1)** Contingency Report; **2)** Discussion Items: A. Annual Report - Status & Timeline; B Parking Space Analysis; **3)** Project Status Report: A. Update On Fire Station #2; B. Update On Fire Station #4; C. Normandy Isle Park And Pool; And **4)** Informational Item: A. Updated Calendar Of Scheduled Community Meetings.

ACTION:

Item No 1:

Mr. Jorge Chartrand, Director of the Capital Improvement Projects (CIP) Office, informed the Committee that no new change orders or Additional Services were approved since the last report.

Item No. 2A:

The Administration reviewed the Project Status and Timelines, as distributed.

The Committee discussed the causes for the delays in the program. Coupled with the additional underground work and design changes, the Committee recognized that the shortage of Project Managers/Coordinators in the CIP Office has added to the delays. A Committee member advised that a workshop was planned to address the staffing needs within the CIP Office on March 1, 2006. After a discussion, the Committee decided that it would prefer to cancel its regularly scheduled meeting in March and instead, encourage its members to attend the CIP workshop. The Committee noted that the information gained at such a meeting will help guide their future planning.

The Administration advised the Committee that the members will be notified via e-mail once the time and location of the CIP workshop has been determined.

City Clerk's note: The Commission Workshop was held on March 1, 2006

Item No. 2B:

The Administration reviewed the on-street parking space analysis with the Committee. The Administration explained that the study was for legal on-street parking only; it did not include illegal or informal parking, such as in the swale.

A Committee member recommended that the total parking should be expressed in linear feet, not number of spaces. The Administration explained that although most of the parking is parallel to the curb, some of the parking in the study is angled parking; thereby the linear feet of parking space may not provide a fair comparison.

The Committee inquired as to where eight parking spaces were gained from a current number of zero in the La Gorce neighborhood. In addition, the Committee wanted to know if they would be metered.

The Administration stated that they were in the 51st Street area, but would have to provide the exact location and whether or not they would be metered at the next meeting.

The Committee suggested that the BODR consultants should be more knowledgeable regarding the impact to parking in the neighborhoods.

Item No. 3A:

The Administration advised the Committee that progress continues at **Fire Station No. 2**; the interior work, though currently behind schedule, should be able to catch up.

Item No. 3B:

Fire Station No. 4's progress continues to lead **Fire Station No. 2**, with an expected completion date of late spring or early summer.

Item No. 3C:

The Administration apologized for forgetting to invite Kevin Smith, the Director of Parks, to the meeting in order to discuss the recreational schedules for this summer at Normandy Isle Park and Pool, but advised the Committee that he will be invited for the next meeting. **Jorge Chartrand to handle.**

Item No. 4:

The updated Calendar of Scheduled Community Meetings was presented but not reviewed.

The Committee and Administration briefly discussed the design of **South Pointe Park** which was planned for Design Board Review the following day. Specific concerns were in regard to whether or not a final dog/saltwater access plan will be presented and the status of the walkway and terrace near Smith and Wollensky.

The Administration advised that the design for the dog access to the saltwater will not be finalized in time for the meeting. The Administration added that the walkway adjacent to Smith and Wollensky would not be lowered and that the terrace was still planned.

C6C Report Of The Finance And Citywide Projects Committee Meeting Of February 16, 2006: **1)** Discussion Regarding The Capacity To Issue Additional Water And Sewer Revenue Bonds; **2)** Discussion Regarding An Effort To Create Work Force Housing In Miami Beach Was Referred Back To The Finance And City Wide Projects Committee Meeting For Further Discussion; **3)** Discussion Regarding Policy And Criteria For The Distribution Of Pay-As-You-Go Capital Funds; **4)** Discussion Regarding The Collins Avenue And 13th Street Joint Venture Proposal In Response To Request For Proposals No. 20-97/98 Issued For The Development Of Public/Private Parking Facilities In Miami Beach South Of Dade Boulevard In 1997; **5)** Discussion regarding Domestic Partner Benefit Coverage Termination – Miami Beach Fraternal Order of Police Health Trust Fire Fighters Insurance Trust. And **56)** Discussion Regarding The Issuance Of A New Request For Proposal For The Management And Operation Of 1. Green (Farmers) Market On Lincoln Road; 2. Street Market On Española Way; 3. Street Market In Normandy Village; And 4. Antique And Collectibles Market On Lincoln Road.

Item No 1:

The Committee moved the item to the full Commission approving the refinancing of the outstanding Series 1995 Water and Sewer Revenue Bonds along with the issuance of \$23 Million in new money. **See Agenda Item R7C.**

Item No. 2:

The Committee recommended that the City lobbyist work with our state legislators to see if there are any strikeover provisions or bill slots available to submit Commissioner Libbin's portability bill proposal as an alternative to the other portability bills currently in the legislature. **Kevin Crowder to handle.**

Item No. 3:

The Committee moved the item to the full Commission approving the proposed distribution of Pay-As-You-Go Capital Funds. **See Agenda Item R7A.**

Item No. 4:

The Committee moved the item to the full Commission rejecting the bids for the fourth and fifth ranked firms of the Joint Venture Proposal No. 20-97/98 Issued for the Development of Public/Private Parking Facilities in Miami Beach South of Dade Boulevard in 1997. **See Agenda Item C7F.**

Item No. 5

City Clerk's note: Item No. 5 - the Commission Memorandum action is "Discussion regarding Domestic Partner Benefit Coverage Termination – Miami Beach Fraternal Order of Police Health Trust Fire Fighters Insurance Trust."

This item was not listed in the title but was included in the Commission Memorandum on page 64 of the Agenda

ACTION: Item Deferred.

Item No. 6

City Clerk's note: Item No. 6 - the Commission Memorandum action is "Discussion Regarding The Issuance Of A New Request For Proposal For The Management And Operation Of 1. Green (Farmers) Market On Lincoln Road; 2. Street Market On Española Way; 3. Street Market In Normandy Village; And 4. Antique And Collectibles Market On Lincoln Road."

ACTION: The Committee chose not to take any action at this time pending the meeting of the Neighborhoods/Community Affairs Committee on February 22, 2006. **Joe Damien to handle.**

10:34:12 a.m.

C6D Report Of The Land Use And Development Committee Meeting On February 27, 2006: **1)** Discussion Regarding The Creation Of An Ordinance As Required By The City Charter, Establishing Criteria For Planning Board Approval Of The Disposition Of City Property; **2)** Discussion Regarding Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Easements, Alleys, Rights-Of-Way, Or Any Other Conveyance Or Reduction Of The City's Interest In Real Property; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date; **3)** Discussion On The Issue Of Requiring Term Limited Members Of Land Use Board To Not Be Eligible For Re-Appointment To Another Land Use Board For A Period Of One Or Two Years; And **4)** Discussion On Possibly Canceling The March 13, 2006 Land Use And Development Committee Meeting.

ACTION: **Item #3 of this report was separated for discussion by the Administration. See action below.**

Item No 1:

The Committee discussed the existing review criteria contained in section 82-38 and instructed the Administration to prepare an ordinance using criteria 1, 2, 3, 4 and 6, as refined, and presented to the Committee, for the purpose of the Planning Board's review and approval of the sale and lease of City owned land and refer the ordinance to the Planning Board. **Jorge Gomez to handle.**

Item No. 2:

Item forwarded to the full Commission for second reading at the March 8, 2006 meeting. See Agenda Item R5F.

10:34:12 a.m.

Item No. 3:

Commissioner Libbin introduced the item. After discussion the following motion was made instructing the Administration to prepare a set of ordinances that accomplish the following:

1. Members of Boards that require Commission appointment will be term limited after six years of cumulative service. After which such individual shall not be eligible to serve on any other such board.

An exception to the above will be made for technical positions, such as architects, which will be eligible to serve on another board after their term limits if a gap of four years has elapsed.

2. Review the residency requirements in the Land Development Boards. Any non-technical positions should have a residency requirement. Technical positions should have a preference for residency which may be waived by the Commission if deemed necessary.

Any ordinance amending the Land Development Regulations shall be forwarded to the Planning Board for their review. **Jorge Gomez to handle.**

City Commission Meeting March 8, 2006 action: Item 3.

ACTION:

Jorge Gonzalez, City Manager, stated that item 3 of the report is regarding participation on all Commission Board appointments and establishes a set of term limits that will govern future participation on these boards. He asked for guidance from the City Commission and to clarify the intention of the City Commission before the ordinance is drafted. He asked if the intent is once an appointee's term limit of 6-years is reached that that person is no longer eligible to serve on a City Commission appointed board.

Commissioner Libbin stated that the original referral was simply to create an opening by creating a 2-year period where a term-limited committee member (6-years) could not be appointed to another Commission appointed board or committee.

Vice Mayor Gross stated that Committee thought four years was better. There was discussion as to whether a term-limited committee member should not be considered for Commission appointed boards/committees permanently. There was an exception made for the professional positions and they could be reappointed after four years. He would be fine with just the four year waiting period.

Commissioner Libbin stated that there should be an opportunity for others to get appointed. After the six years term, the member could be appointed to a direct appointment board or sit out. After a minimum of four years they would be eligible for an appointment to a City Commission board/committee.

Aida Llerandi member of the Miami Beach Cultural Arts Council spoke.

Commissioner Cruz stated that two years sit-out time-frame that someone can step out but still be engaged. He stated he would prefer two years.

Commission Steinberg stated that if a commissioner is term-limited, he/she could run for election once there is a break in service which is likely to be two years. The City Charter is silent on this issue.

Mayor Dermer asked if two years can be approved without objections.

Commissioner Steinberg clarified the action. Six year term limit on any of City Commission appointed boards and a two year break before eligible to be reappointed to a City Commission appointed board/committee.

Jorge Gonzalez, City Manager, stated that six years cumulative consecutive or with no more than a two year break in service will constitute consecutive.

Robert Parcher, City Clerk, clarified that this is for all City Commission appointment boards/committees.

Vice-Mayor Gross stated that the other issue is how does this impact current board/committee members?

Discussion continued.

ACTION:

Mayor Dermer stated that the issue of when to begin counting the six years needs to be determined. This issue was referred to the Land Use and Development Committee. Approved by acclamation of the Commission. **Jorge Gomez to place on the committee agenda. R. Parcher to handle.**

Item No. 4:

The Committee agreed that since the February meeting was held today, the next meeting of March 13, 2006 would be cancelled and the next meeting will be on Monday, April 10, 2006 at 4:00 P.M. **Jorge Gomez to handle.**

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Agreement Between The City Of Miami Beach And URS Corporation - Southern, Dated June 27, 2001 To Provide Project Management Services And Additional Support To The Capital Improvement Projects (CIP) Office In The Amount Of \$250,000, To Be Funded From General Fund CIP Salary Savings.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26132 adopted. Jorge Chartrand to handle.

- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Professional Architectural And Engineering Services Agreement Between The City And EAC Consulting, Inc. For The Provision Of Additional Design And Construction Administration Services, In The Amount Of \$129,325, For The Right-Of-Way Infrastructure Improvements Program For Neighborhood No. 1 - Biscayne Point With Funding To Be Appropriated From The Water And Sewer Bonds Interest Account.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26133 adopted. Jorge Chartrand to handle.

- C7C A Resolution Appropriating Funding, In The Amount Of \$339,446.56, From The American Golf Settlement; \$75,000 To Be Made Available To Complete The Environmental Remediation At The Miami Beach Golf Club Course Construction Project, And \$264,446.56 To Be Appropriated To Fund The Additional Environmental Remediation Requirements For The Normandy Shores Golf Course Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26134 adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

- C7D A Resolution Authorizing The Administration To Issue A Purchase Order To Medtronic Emergency Response Systems, As The Sole Source Provider Of The Capnography, Oxygen Saturation, And Blood Pressure Upgrades To The LifePak 12 Defibrillator/Monitors Currently In Use By The Fire-Rescue Division, Adding Blood Pressure, Pulse Oxymetry, And Capnography Capability To Meet New State Of Florida Requirements; Said Purchase Order In The Amount Of \$52,683.00.
(Fire Department)

ACTION: Resolution No. 2006-26135 adopted. Chief Jordan to handle.

Handout or Reference Materials:

1. Letter from Medtronic dated February 6, 2006 Re: LIFEPAK

- C7E A Resolution Authorizing The City Manager Or His Designee Retroactively To Submit Grant Applications To The Following Agencies: 1) Miami Beach Visitor And Convention Authority For Funding For The City's July 4, 2006 Event In An Amount Not To Exceed \$8,000; 2) Miami-Dade County Tourist Development Council For Funding Of The City's July 4, 2006 Event In An Amount Not To Exceed \$20,000; 3) Florida Division Of Emergency Management Community Emergency Response Team Program For Cert Funding In An Amount Not To Exceed \$10,000; 4) Miami-Dade County For ADA Parking Fine Funds In The Amount Of \$61,310.93; 5) US Department Of Justice For VOCA Funding For The Police Department's Domestic Violence/Victims Advocate Program, In An Amount Not To Exceed \$68,000; 6) Florida Department Of Health, Bureau Of EMS For Funds For An Electronic Patient Care Reporting System; Further Appropriating The Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Grants Management)

ACTION: Resolution No. 2006-26136 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7F A Resolution Rejecting Proposals From Municipal Parking Systems, Inc., And Collins And 13th Street Joint Venture Relating To Request For Proposals (RFP) No. 20-97/98, Issued For The Development Of Public/Private Parking Facilities In Miami Beach South Of Dade Boulevard.

(Parking Department)

ACTION: Resolution No. 2006-26137 adopted. Gus Lopez to notify bidder.

C7G A Resolution Directing The Planning Department To Present A Preliminary Evaluation And Recommendation Report For Consideration By The Historic Preservation Board Relative To The Possible Designation Of Certain City-Owned Monuments, Fountains, Sculptures, And Memorials That Are Not Currently Designated As An Historic Site Or Located Within An Historic District; As Well As Recommending That The Historic Preservation Board Consider Assigning A Status Of Contributing For Those City-Owned Monuments, Fountains, Sculptures, And Memorials That Are Located Within An Historic District And Do Not Currently Have A Classification Status.
(Planning Department)

ACTION: Resolution No. 2006-26138 adopted. Jorge Gomez to handle.

Jorge Gonzalez, City Manager, recognized Commissioner Garcia for his efforts in his involvement with the historical monuments and having them categorized as historic.

City Clerk's Note: Cross-Referenced in LaserFiche under Resolution 2006-26138.

Handouts or Reference Materials:

1. Color Attachment II titled Detailed Master List of City-owned Monuments, Fountains, Sculptures and Memorials (Star Island Water Tower, Palm Island Fountain, West 20th Street and Alton Road Fountain, The Polo Player Statue, Normandy Isle Fountain, Carl Fisher Memorial, World War I Memorial, Lummus Park Temperature and Date Monument, Morris Lapidus Fountains and Shade Structures Lincoln Road Mall, The Great Spirit Statue, 41st Street and Pinetree Drive Fountain, Flagler Memorial and Monument Island Historic Site, and the 28th Street Obelisk and Pump Station Historic Structure.

C7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 05-05/06, For A Planning/Impact Fee Consultant To Help Further Explore The Potential For An Impact Analysis And Mitigation Development System; Authorizing The Administration To Enter Into Negotiations With Clarion Associates; And Should The Administration Not Be Able To Negotiate An Agreement With Clarion Associates, Approve The Re-Issuance Of This RFQ.
(Procurement)

ACTION: Resolution No. 2006-26139 adopted. Jorge Gomez to handle.

C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 30-04/05, For Architectural, Engineering, Urban Design, And Landscape Architecture Services For The Planning, Design, Bid And Award, And Construction Administration Services For The Construction Of The Proposed 400 Space Cultural Campus Parking Garage; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Arquitectonica; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Zyscovich, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of MC Harry Associates.
(Procurement)

ACTION: Resolution No. 2006-26140 adopted. Jorge Chartrand to handle.

- C7J A Resolution Accepting The Recommendation Of The City Manager Authorizing The Administration To Negotiate Professional Services Agreements Pursuant To Request For Qualifications (RFQ) No. 34-04/05, For General Transportation Planning And Traffic Engineering Consulting Services, On An As Needed Basis, For The City Of Miami Beach; And Authorizing The Mayor And City Clerk To Execute Professional Services Agreements Upon Completion Of Successful Negotiations With Any Or All Of The Following Seven (7) Firms: 1) DMJM Harris; 2) HDR Engineering, Inc.; 3) Keith And Schnars; 4) Kittleson & Associates, Inc.; 5) Post Buckley Schuh And Jernigan (PBS&J); 6) R.J. Behar & Company, Inc.; And 7) The Corradino Group.
(Procurement)

ACTION: Resolution No. 2006-26141 adopted. Fred Beckmann to handle.

Supplemental Materials: Revised Exhibit

- C7K A Resolution Approving The Proposed Final Plat Of "Villagio Bay I", Being A Replat Of Lots 6 And 7 Of Lincoln Terrace Subdivision And "Villagio Bay II," A Replat Of Lots 5, 6, 7, 8, & 9 Of Bay Lincoln Subdivision, City Of Miami Beach, Miami-Dade County Florida, And Authorizing The Appropriate City Officials To Execute The Plat On Behalf Of The City.
(Public Works)

ACTION: Resolution No. 2006-26142 adopted. Fred Beckmann to handle.

- C7L A Resolution Setting A Public Hearing On April 11, 2006, To Consider An After-The Fact Revocable Permit Request By AB Green Raleigh LLC., Owner Of The Raleigh Hotel Located At 1775 Collins Avenue, To Retain Portions Of A Stair, Columns, Landscaping And A Masonry Fence Wall In The Adjacent City Right-Of-Way, Over An Approximately 668 Sq. Ft.
(Public Works)

ACTION: Resolution No. 2006-26143 adopted. Public Hearing scheduled for April 11, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

- C7M A Resolution Ratifying A Contract, In The Total Amount Of \$143,500, To Last Chance Glass, Inc., To Provide For The Replacement Of All Windows, Doors, And Frames With Impact Resistant Windows, Doors, And Frames At The South Shore Community Center.
(Public Works)

ACTION: Resolution No. 2006-26144 adopted. R. Parcher to handle.

- C7N A Resolution Ratifying A Contract, In The Total Amount Of \$68,055, To Luis E. Roca, Inc., To Provide For The Replacement Of The Structural Floor At Fire Station No. 3.
(Public Works)

ACTION: Resolution No. 2006-26145 adopted. R. Parcher to handle.

- C7O A Resolution Ratifying A Contract, In The Total Amount Of \$28,101, To Marina Plumbing Services Corporation, To Provide For The Replacement Of Domestic Water Lines At Fire Station No. 1.
(Public Works)

ACTION: Resolution No. 2006-26146 adopted. R. Parcher to handle.

- C7P A Resolution Ratifying The Selection Of Widell, Inc. For The Emergency Repairs To The Venetian Causeway Water Main, In The Amount Of \$195,000.
(Public Works)

ACTION: Resolution No. 2006-26147 adopted. R. Parcher to handle.

- C7Q A Resolution Authorizing The Mayor And The City Clerk To Accept The Donation Of \$250 From Randy Gumenic, A Miami Beach Resident, For The Purchase Of A Handheld Universal Microchip Scanner For The Miami Beach Police Department, Which Will Be Utilized To Reunite Lost And Stolen Pets With Their Owners.

(Police Department)

ACTION: Item deferred. Lilia Cardillo to place on the April 11, 2006 Commission Agenda. Chief De Lucca to handle.

10:32:15 a.m.

- C7R A Resolution Setting A Public Hearing On April 11, 2006, To Hear Public Comment Regarding A Lease Agreement With Manyprey, Inc., For The Lease Of Approximately 2080 Square Feet Of City-Owned Property Located At 22 Washington Avenue, Miami Beach, Florida; For The Purpose Of An Outdoor Café Associated With A Restaurant Operation Located At 816 Commerce Street, Which Is Directly Adjacent To And West Of The Subject City Property; Said Lease Having An Initial Term Of Five Years, With An Option To Renew For Four Years And 364 Days, At The City's Discretion; Further To Consider Waiver, By 5/7ths Vote, Of The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code.

(Asset Management)

ACTION: Item separated for discussion by Commissioner Libbin. Resolution No. 2006-26148 adopted. Public Hearing scheduled for April 11, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Joe Damien to handle.

Commissioner Libbin stated that he separated this item because he wanted to point out that the Commission will be dealing with the noise ordinance today and as he sees it, it is a related item which is listed as a withdrawal; item R5J, which was to amend the CD-1 Commercial Low Intensity District to not allow music and dance hall operations because it is introducing something into a residential neighborhood. This request could potential add fuel to the fire of the noise issue but he does not object to the item.

Mayor Dermer stated that C7R will be included in the Consent Agenda.

Supplemental Materials: Resolution:

C7S A Resolution Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Through His Designee, Who Shall Be The City's Property Management Director, A Licensed General Contractor, To Select, Negotiate, And Award All Contracts, Agreements, Purchase Orders, And Change Orders For The Purchase Of All Necessary Goods And Construction Services Relative To The Ongoing Repair And Maintenance Including, Without Limitations, The Replacement Of Air Conditioning Systems, Roof Replacement, And Pressure Cleaning, Waterproofing, And Painting Requirements Of The Miami City Ballet Building, A City Owned Facility Located At 2200 Liberty Avenue, Miami Beach, Florida; Providing That All Documents Be Reviewed By The Appropriate Members Of The Administration And City Attorney's Office, And Which Shall Contain Those Minimum Terms And Conditions As Set Forth In This Resolution; And Further Authorizing The City Manager And/Or The Mayor And City Clerk To Execute Any And All Agreements Relative To The Aforestated Repair And Maintenance Projects, Provided Further, That The Total Amount Of The Aforestated Repair And Maintenance Projects Shall Not Exceed \$740,000 Without The Prior Approval Of The City Commission.

(Public Works)

ACTION: Resolution No. 2006-26149 adopted. Fred Beckmann to handle.

10:56:40 a.m.

C7T A Resolution Waiving By 5/7th Vote, The Competitive Bidding Process, Finding Such Waiver To Be In The City's Best Interest, And Approving A Three Year Sponsorship Agreement Between The City Of Miami Beach And Phillips-Van Heusen Corporation (IZOD).

(City Manager's Office)

ACTION: Item separated for discussion by Commissioner Steinberg. Resolution No. 2006-26150 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Garcia. Approved without objection. Robert Middaugh to handle.

Commissioner Steinberg stated that he has one concern. The award requires IZOD to provide \$15,000 a year which will be used to build another lifeguard stand each year with the IZOD's emblem on them. He asked the Administration to make placing IZOD's emblems on the lifeguard stands at the City's discretion and he understands that IZOD has agreed to do this.

Jorge Gonzalez, City Manager, reiterated that it is at the City's discretion.

Commissioner Libbin stated that there has been a history on an average of about seven drownings per year over the past three or four years. He has referred to the Neighborhoods/Community Affairs Committee an item dealing with lifeguard deployment issues. He stated that in each three-year contract term IZOD will provide the City with \$15,000 for the new replacement lifeguard towers. He asked the Administration to approach IZOD and ask that they fund all three upfront and the Administration not consider them to be for replacement but as additional, if the Neighborhoods/Community Affairs Committee agrees.

Robert Middaugh, Assistant City Manager, stated that he does not recommend at this time to do three cycles. Until the City of Miami Beach can determine that this is a good fit for the City and IZOD, he recommends that this is a good place to start the relationship and build upon it. The City should not be limited at this time.

Jorge Gonzalez, City Manager, stated that after the three year period, if there is a good relationship, the Administration will renegotiate, and if not the agreement will be terminated.

Addendum:**Item transferred from the Regular Agenda item R9H to the Consent Agenda:**

C7U Discussion Regarding A Resolution Urging The Florida Legislature To Enact Legislation, Including A Joint Resolution Proposing A Constitutional Amendment If Necessary, To Provide Property Appraisers Statewide An Alternative Assessment Approach For Multifamily Affordable Housing Properties.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Item moved from the Regular Agenda, R9H, to the Consent Agenda and approved via the Consent Agenda. **Resolution No. 2006-26131 adopted.** Kevin Crowder to handle.

End of Consent Agenda**REGULAR AGENDA****R5 - Ordinances**

12:45:22 a.m.

R5A An Ordinance Merging The Retirement System For General Employees Of The City Of Miami Beach With The Retirement System For Unclassified Employees Of The City Of Miami Beach, Thereby Creating The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2003-2006 Collective Bargaining Agreement Between The City And The Communications Workers Of America; Amending Provisions Of The Retirement Plan Applicable To Non-Bargaining Unit And Unclassified Employees; The Changes Will Later Apply To Members Of The American Federation Of County State And Municipal Employees (AFSCME) And Government Supervisors Association (GSA) Bargaining Units Subject To The Collective Bargaining Process And Upon Ratification Of An Agreement By Those Units; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **10:15 a.m. Second Reading, Public Hearing.**

(Labor Relations)

(First Reading on February 8, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3504 adopted as amended by changing the multiplier from 3% to 4% for the Mayor and City Commissioners, City Manager, and the City Attorney, and addressing the issue of elected officials going into a City administrative position.** Motion made by Commissioner Cruz; seconded by Commissioner Garcia; Ballot vote: 5-2; Opposed: Vice-Mayor Gross and Commissioner Steinberg. Patricia Walker to handle.

Jorge Gonzalez, City Manager, introduced the item and explained several technical changes to the ordinance.

There was discussion regarding the multiplier and the allowance calculation.

Vice-Mayor Gross and Commissioner Steinberg were opposed to the ordinance because of the change in the multiplier.

Commissioner Steinberg introduced an amendment which addresses the issue of elected officials going into an administrative position to try to serve for two more years to boost their pension.

Motion made by Commissioner Cruz changing the multiplier from 3% to 4% for the Mayor and City Commissioners, City Manager, and the City Attorney; seconded by Commissioner Garcia; Voice vote: 5-2; Opposed: Vice-Mayor Gross and Commissioner Steinberg.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Additional handouts (Base ordinance)
3. Memorandum from Richard L. Steinberg, Commissioner, to Jorge M. Gonzalez, City Manager, dated

March 8, 2006 RE: Pension Ordinance Request

1:08:01 p.m.

R5B An Ordinance Amending Miami Beach City Code Chapter 78, Article II Thereof, Entitled "Employee Benefit Plans"; Amending Section 78-81, Entitled "Group Health Insurance," And Section 78-82, Entitled "Health Maintenance Organization," To Require That Employees Make A One-Time Irrevocable Election To Continue Participating In The City Group Health Insurance Or Health Maintenance Organization Program Prior To Termination Of Employment To Be Eligible For Such Continued Participation; Providing That Employees Who Participate In The Defined Contribution Retirement System Must Have Ten Years Of Full-Time City Employment To Be Eligible For Retiree Health Benefits; Providing For Specified City Contributions Toward The Cost Of Retiree Health Coverage For Employees Hired On Or After The Effective Date Of This Ordinance; Implementing Certain Provisions Of The Terms Of Collective Bargaining Agreements Between The City And The AFSCME, GSA And CWA; Providing Certain Exceptions; Repealing All Ordinances In Conflict Therewith; Providing For Severability; Providing For Codification; And Providing For An Effective Date. **10:20 a.m. Second Reading, Public Hearing.**

(Labor Relations)

(First Reading on February 8, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3505 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Mayra Diaz Buttacavoli to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

1:09:33 a.m.

R5C An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communications Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; There Shall Be No Wage Increase For Fiscal Year 2003/2004; All CWA Bargaining Unit Employees Shall Be Paid, Prior To Any Other Wage Increase, A One-Time Lump Sum Payment Valued At Three Percent (3%) Of The Employee's Base Pay And His/Her Regular Pay Enhancements And The Overtime That The Employee Earned During Fiscal Year 2003/2004 (I.E. Based On The Employee's Extended Pay Plus Overtime, But Not To Include Any Sick Time Bonus Or Any Differentials Or Allowances); The Above Payment Shall Not Be Pensionable And Shall Not Increase The Employee's Base Pay, Nor Result In Any Adjustment To The Pay Ranges Contained In The Pay For Performance Plan; Effective In The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); The Three Percent (3%) One-Time Lump Sum Payment Referred To Earlier In This Paragraph Shall Not Be Included In The Calculation Of The Six Percent (6%) Cost Of Living Adjustment (COLA); Effective With The First Pay Period Ending In October Of 2005, There Shall Be An Across The Board Wage Increase Of Three And One Half Percent (3.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Three And One Half Percent (3.5%); Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Field Inspector I, Field Inspector II, Meter Analyst, Parking Dispatcher, Revenue Processor I And Revenue Processor II; Deleting The Titles Of Coin Room Money Handler, I.D. Technician I And I.D. Technician II; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification. **10:25 a.m.**
Second Reading, Public Hearing.

(Human Resources)
(First Reading on February 8, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3506 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Mayra Diaz Buttacavoli to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

12:28:01 p.m.

R5D An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI Entitled "- And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally", To Provide That The City Owned Building, Located At 2200 Liberty Avenue, Miami Beach, Florida, And Housing The Administrative Offices And Studio And Teaching Facilities Of The Miami City Ballet, Pursuant To The Lease Agreement Between The City, As Landlord, And Miami City Ballet, Inc. As Tenant, Shall Be Exempt From The Provisions Of Said Article VI, For So Long As Said City- Owned Building Is Leased To Miami City Ballet, Inc., A Not For Profit Corporation, And Used By The Ballet For The Aforestated Purposes And In Accordance With The Terms And Conditions Of The Lease Agreement; Providing For Repealer, Severability, Codification And Effective Date. **10:30 a.m. Second Reading, Public Hearing.**

(Finance Department)

(First Reading on February 8, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3507 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Garcia; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Joe Damien to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

11:15:28 a.m.

R5E An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," By Adding Section 142-1110, Entitled "Mobile Storage Containers," To Regulate Storage Containers; Providing For Repealer, Codification, Severability And An Effective Date. **10:35 a.m. Second Reading, Public Hearing.**

(Requested by Commissioner Richard L. Steinberg)

(First Reading on February 8, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3508 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez and Vivian Guzman to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

12:40:15 a.m.

R5F An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Alleys And Rights-Of-Way, And Terminations Of Public Easements On Private Property, With Certain Exclusions, And Amending The Procedures Therefore; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **10:40 a.m. Second Reading, Public Hearing.**

(Requested by Commissioner Richard L. Steinberg)
(First Reading on January 11, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3509 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Fred Beckmann to handle.

Amendment:

Sec 82-39: "... The appraisal shall include a determination of the value of the property based on proposed and possible uses without limitation to highest and best use of the property thereof by ..."

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

12:31:36 p.m.

R5G Parking Pedestal Design Requirements

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; Providing For Repealer, Codification, Severability And An Effective Date. **10:50 a.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on February 8, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3510 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Amendment:

Motion made by Commissioner Libbin; seconded by Commissioner Bower to change all references from "properties 50 feet" to "properties less than 60 ft."

Commissioner Steinberg accepted the amendment.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

10:16:12 a.m.

R5H Development Regulations For Single-Family Lots Abutting A GC-Golf Course District
An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Creating Section 142-109, "Development Regulations For Single-Family Lots Abutting A GC Golf Course District," Providing For Legal, Non-Conforming Status For Existing Structures, Rear Setbacks And Encroachments Into Easement Areas; Providing For Repealer, Severability, Codification And An Effective Date. **5:01 p.m. First Reading.**
(Planning Department)
(Continued from December 7, 2005)

ACTION: Item withdrawn. Motion made by Commissioner Cruz to defer the ordinance; seconded by Commissioner Bower; Voice vote: 7-0.

Resolution No. 2006-26156 adopted. Motion by Commissioner Steinberg, seconded by Commissioner Bower, directing the Legal Department to draft a resolution urging the Golf Course not to block easement access to property owners. Voice-vote: 7-0. **Legal Department to handle.**

Murray Dubbin, City Attorney, stated that there is some connection between this item and the existing litigation, but one does not necessarily relate to the other. He explained that both the City Manager and he agree that this should not be done until the litigation is resolved.

Commissioner Cruz stated that he is concerned with the time frame because the residents are very upset. He visited the site at 60th and Alton Road and noticed that the property owner cannot get into his own garage because it has been sealed off. This could be legal matter but it is not moral. The City needs to take a step and clear this situation.

Commissioner Garcia agreed with Commissioner Cruz. He stated that there are a lot of residents being impacted.

Murray Dubbin, City Attorney, explained that this ordinance helps the homeowners, but it neither helps nor hurts the litigation.

Commissioner Cruz asked how the property line, instead of being a straight line, goes into the roadway; this seems to be City property and asked if hearing this ordinance will change anything.

Jorge Gonzalez, City Manager, stated that it will not change anything and explained that the ordinance was requested by the Golf Club, which would amend the easement restrictions that exist behind the properties when the Golf Club was selling properties to the individual resident owners. This will govern those owners who purchased the land as to what they can do with that land. It has nothing to do with the access points that Commissioner Cruz brought up. He stated that the litigation should be completed before passing this ordinance.

Commissioner Bower asked if anybody knew what the residents want.

Motion made by Commissioner Cruz to defer the ordinance; seconded by Commissioner Bower.

Jorge Gomez, Planning Director, stated that the residents want the City to hold off until this is resolved.

Vice-Mayor Gross clarified that the people who have the encroachments who will benefit by this ordinance are in favor of passing this ordinance and the rest of the homeowner associations will

prefer to resolve it with the balance of the litigation.

Commissioner Cruz amended the motion to withdraw the ordinance; seconded by Commissioner Bower; Voice vote: 7-0.

Motion made by Commissioner Steinberg to pass a resolution indicating that it is wrong for the Golf Course to block easement access to property owners and seek contribution or money to regain the access, and to encourage the Golf Course to work with the neighbors to give them access; seconded by Commissioner Bower; Voice vote: 7-0. **Legal Department to handle.**

6:33:31 p.m.

R51 An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-151, Entitled "Definitions," To Provide New Terms And Definitions And Deleting Certain Terms And Definitions; Amending Section 46-152, Entitled "Unreasonably Loud Noise Prohibited," By Amending The Title And Adopting Section 21-28 Of The Code Of Miami-Dade County By Reference; Amending Section 46-153, Entitled "Responsibility For Compliance," By Amending The Provisions Thereof; Repealing Section 46-154, Entitled "Noise Level In Specific Area"; Repealing Section 46-155, Entitled "Additional Sound Limitations For Public Property"; Amending Section 46-156, Entitled "Temporary Permits," By Expanding The Prohibited Areas For Construction Noise To Within 300 Feet Of Certain Districts And Amending The Exemptions For Special Events And Film Permits; Amending Section 46-157, Entitled "Exemptions," And By Deleting Subsection (11) And Amending The Provisions Thereof; Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation," By Amending The Procedures For Enforcement And Warnings; Amending Section 46-159, Entitled "Civil Fines For Violation; Appeals," By Amending The Fines And Penalties For Violations, The Appeal Procedures, And The Alternate Means Of Enforcement; Amending Section 46-161, Entitled "Motor Vehicle Alarms" By Amending The Provisions Concerning Violations; Providing For Codification, Repealer, Severability, And An Effective Date. **5:02 p.m. Second Reading, Public Hearing.**

(City Manager's Office)

(Continued from January 11, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3511 adopted as amended.** Motion made by Commissioner Libbin; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Robert Middaugh to handle.

Amendments:

1. Motion made by Commissioner Libbin; three (3) warnings will rollover 12 months and violations will rollover 18 months. Major event periods are eliminated; seconded by Commissioner Cruz; Voice vote: 7-0.

2. Commissioner Libbin - Section 46-158 (a) - Add language to send courtesy notices to the license holder.

3. Commissioner Libbin - Section 46-159(c) – A courtesy mail notice shall be promptly provided to the complainant of any hearing regarding the notice of violation, and the complainant may testify at such hearings, provided; however, that non-transmission of the notice to a complainant shall not in any way invalidate, affect, or impair any of the further proceedings, actions, or determinations in the case."

4. Vice-Mayor Gross working with the Legal Department made the following amendments: The new language is under Sec. 46-157(11). The changes relate to sentence structure so that all boundary language reads consistently in the following format, e.g., "from ___ street to ___street on the ____ side of Ocean Drive," etc. Also, minor changes clarifying language was added to the penultimate

sentence of subsection (11) as follows: "This exemption shall only apply to noise that is received in that area located east of the violating property and between the north and south projections of its property boundaries and...."

5. Robert Middaugh, Assistant City Manager – Section 46-159(a) – Occupational License conditions ~~suspensions~~ or accessory

6. Section 9(a) – 46-159 (a) (6) The six violation will constitute a habitual offender.

7. Review quarterly.

End of Amendments.

Robert Middaugh, Assistant City Manager, introduced the item.

Hilda Fernandez, Assistant City Manager, gave a PowerPoint presentation illustrating how violations and warnings are received and recycled.

Motion made by Vice-Mayor Gross to reduce the number of warnings to three (3) per year; seconded by Commissioner Bower. Discussion continued regarding the number of warnings.

The public hearing was opened and the following individuals spoke:

Kent Harrison Robbins, Esq., representing various condominium associations totaling 3,906 units. He also presented some proposed amendments.

Stu Blumberg.

Steve Polisar, Chairman of the Nightlife Task Force.

Frank Del Vecchio.

Robert Switkes, Esq.

David Wallack, owner of Mango's Tropical Café speaking as vice-chair of the Ocean Drive Association.

Henry Stolar.

David Haber, Esq., representing Portofino Towers and Continuum.

Sherry Roberts, President of the Decoplage Condominium Association representing 625 unit owners.

Nancy Liebman.

Noise Issue – Party Houses:

Hans Mueller, President of the Palm, Hibiscus, and Star Island Homeowners Association.

Hilda Fernandez, Assistant City Manager, spoke about her discussions regarding commercial use of private residence for parties.

Jeffrey Epstein.

Dr. Morris Sunshine.

Roman Jones.

Motion made by Commissioner Libbin to amend Section 9C, adding language that the resident, if known, would be notified; seconded by Vice-Mayor Gross. Discussion continued and no action was taken on this motion.

Brad Stevens, Concord House.

Rip Holmes.

Ray Trujillo.

Benita Argos.

Erika Brigham.

Francine Segel.

Rich Harris.
Franck Dossa.
Mark Olera.
Ruth Remington.
Cristina LaBuzetta.
Josh Fisher.
Lynn Harrington, President of Concord House Condominium.
Rocio Sullivan.
Luis Bode.
Clotilde Luce.
Doug Baumwall.
David Kelsey.

Motion and/or actions:

Motion made by Commissioner Libbin; three (3) warnings will rollover 12 months and violations will rollover 18 months. Major event periods are eliminated; seconded by Commissioner Cruz; Voice vote: 7-0.

Because the Legal Department was concerned about a noticing issue Commissioner Steinberg gave direction to the Administration to bring for first reading an ordinance on April 11 allowing only one warning in a RS district (Single Family Residential). Robert Middaugh to handle.

Commissioner Libbin - Section 46-158 (a) – Add language to send courtesy notices to the license holder. This was approved without objection.

Commissioner Libbin - Section 46-159(c) – A courtesy mail notice shall be promptly provided to the complainant of any hearing regarding the notice of violation, and the complainant may testify at such hearings, provided; however, that non-transmission of the notice to a complainant shall not in any way invalidate, affect, or impair any of the further proceedings, actions, or determinations in the case.” This was approved without objection.

Vice-Mayor Gross working with the Legal Department made the following amendments: The new language is under Sec. 46-157(11). The changes relate to sentence structure so that all boundary language reads consistently in the following format, e.g., “from ___ street to ___ street on the ___ side of Ocean Drive,” etc. Also, minor change clarifying language was added to the penultimate sentence of subsection (11) as follows: “This exemption shall only apply to noise that is received in that area located east of the violating property and between the north and south projections of its property boundaries and....”

6. Robert Middaugh, Assistant City Manager – Section 46-159(a) – Occupational License conditions ~~suspensions~~ or accessory

7. Section 46-159 (a) (6) The six violation will constitute a habitual offender.

8. Review quarterly.

Handout or Reference Materials:

1. Summary of key noise issues by date of Commission consideration
2. Proposed Noise Ordinance Amendments by Frank DelVecchio
3. Amendments for City Clerk

10:15:39 a.m.

R5J An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 4, "CD-1 Commercial, Low Intensity District," Section 142-275 "Prohibited Uses" Of The City Code, To Prohibit Dance Hall And/Or Entertainment Establishment Uses In The CD-1 Commercial Low Intensity Zoning District; Providing For Codification, Repealer, Severability And Effective Date. **First Reading**
(Planning Department)

ACTION: Item withdrawn.

Jorge Gonzalez, City Manager, stated that this item needs to be deferred because of a noticing issue with the Planning Board.

10:28:13 a.m.**Addendum:**

R5K An Ordinance Amending Chapter 70 Of The City Code; Adding A New Section 70-404 Entitled "Additional Restrictions," Making It Unlawful For Persons Convicted Of Violation Of Sections 794.01, 800.04, 827.011, Or 847.0145, Florida Statutes, To Be Present In A Park Or Child Care Facility Under Specified Circumstances With Exceptions; Setting A Penalty; Providing For Codification, Repealer, Severability And An Effective Date.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Garcia. Second Reading and Public Hearing scheduled for Tuesday, April 11, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Motion made by Commissioner Steinberg to approve as an emergency ordinance; seconded by Commissioner Bower; Ballot Vote: 6-0; Absent: Commissioner Garcia. This action requires only one reading and the ordinance is to be printed in its entirety in the Miami Herald Neighbors Section.

Motion made by Commissioner Steinberg to reconsider the first vote; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia.

Motion made by Commissioner Steinberg to approve the ordinance on first reading and schedule a second reading public hearing; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Garcia. Second Reading and Public Hearing scheduled for Tuesday, April 11, 2006.

R7 - Resolutions**1:14:11 p.m.**

R7A A Resolution Providing For Additional Appropriations From The FY 2005/06 Pay-As-You-Go Capital Fund For The Following Projects: 1) Sidewalk And Street Restoration In North, Mid, And South Beach (\$210,000); 2) Normandy Isle Neighborhood Improvements (\$875,000); 3) Furniture Fixtures And Equipment For Fire Stations 2 And 4 (\$420,000); And 4) Flamingo Park - Pool Deck Lighting (\$125,000); And 5) Scott Rakow Youth Center Additional Improvements (\$2 Million).

(Budget & Performance Improvement)

ACTION: Resolution No. 2006-26151 adopted. Motion made by Vice-Mayor Gross; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to appropriate the funds. Fred Beckmann and Jorge Chartrand to handle.

1:14:30 p.m.

R7B A Resolution Authorizing The Appropriation Of \$864,145 In Fiscal Year 2004-05 Peoples' Transportation Plan (PTP) Fund Balance For The Following Transportation Projects: \$50,000 For Technical Support To Transportation To Be Provided, As Needed, By City Rotational Transportation Planning/Traffic Engineering Consultants; And \$814,145 To Fund Citywide Right-Of-Way Improvement Projects.

(Public Works)

ACTION: Resolution No. 2006-26152 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Vice-Mayor Gross stated that that this item is mostly repaving streets in the North Beach area.

1:12:37 p.m.

R7C A Resolution Authorizing Four Loans From The City Of Gulf Breeze, Florida Local Government Loan Pool Program And, As Evidence Of Such Loans, The Issuance Of (I) Not To Exceed \$18,300,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Bonds, Taxable Series 2006B-2, And Not To Exceed \$5,700,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Bonds, Taxable Series 2006e, For The Principal Purpose Of Paying The Cost Of Certain Improvements To The Water And Sewer Utility, Pursuant To Section 209 Of Resolution No. 95-21585 Adopted By The City On May 17, 1995, And (li) Not To Exceed \$8,500,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Refunding Bonds, Taxable Series 2006B-1, And Not To Exceed \$27,500,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Refunding Bonds, Taxable Series 2006C, For The Principal Purpose Of Refunding All Or A Portion Of The City's Outstanding Water And Sewer Revenue Bonds, Series 1995, Pursuant To Section 210 Of Said Resolution No. 95-21585; Providing That Said Loans And Series 2006 Bonds Shall Be Payable Solely As Provided In Said Resolution No. 95-21585, Certain Loan Agreements Relating To The Loans And This Resolution; Providing Certain Details Of The Loans And The Series 2006 Bonds; Delegating Other Details And Matters In Connection With The Loans, The Issuance Of The Series 2006 Bonds And The Refunding Of The Bonds To Be Refunded, Within The Limitations And Restrictions Stated Herein; Authorizing The Negotiated Borrowing And Sale Of The Series 2006 Bonds, Within The Limitations And Restrictions Stated Herein; Approving The Forms Of And Authorizing The Execution, Authentication And Delivery Of The Series 2006 Bonds; Appointing A Bond Registrar For The Series 2006 Bonds; Approving The Forms Of And Authorizing The Execution Of The Loan Agreements; Providing For The Application Of The Proceeds Of The Series 2006 Bonds And Creating Certain Funds And Accounts; Authorizing The Refunding, Defeasance And, As Applicable, Redemption Of The Bonds To Be Refunded; Approving The Form Of And Authorizing The Execution And Delivery Of An Escrow Deposit Agreement And Appointing An Escrow Agent; Approving The Forms Of And Use Of Certain Disclosure Information; Approving The Form And Authorizing The Execution Of A Continuing Disclosure Certificate; Approving And Ratifying The Retention Of A Financial Advisor; Authorizing Officers And Employees Of The City To Take All Necessary Related Actions; And Providing For An Effective Date.

(Finance Department)

ACTION: Resolution No. 2006-26153 adopted. Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 7-0. Patricia Walker and Fred Beckmann to handle.

Patricia Walker, Chief Financial Officer, introduced the item.

Handout or Reference Material

1. Bound book containing Exhibit A – Series 2006 Project

3:58:10 p.m.

Supplemental Materials: Contract:

R7D A Resolution Approving The Agreement Between International Business Machines (IBM) Corporation And The City Of Miami Beach, For The Design, Deployment, And Management Of A Citywide Wireless Network (Wi-Fi); In The Base Estimated Amount Of \$4,498,800, Which Includes The Cost For The Network Infrastructure, Architecture And Design Services, Installation, And Six (6) Years Of Operation, Maintenance, Project Management, Support And Warranty Services; Option No. 2 For A 100% Citywide Access In The Estimated Amount Of \$669,000; Project Contingency In The Amount Of \$248,771; Acceptance Of Public Benefits Offered By IBM; Authorizing The Mayor And City Clerk To Execute An Agreement With IBM; And Further Appropriating Funds In The Amount Of \$1,886,652 From The Information And Communication Technology Fund.
(Finance Department)

ACTION: Resolution No. 2006-26154 adopted. Motion made by Vice-Mayor Gross; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Commissioner Garcia. Patricia Walker to handle.

Jorge Gonzalez, City Manager, stated that this issued started over a year ago with conversations with Commissioner Steinberg. He publicly recognized Commissioner Steinberg for the idea of moving technology forward in the City of Miami Beach. He explained that Commissioner Libbin's suggestion of keeping the first two companies in the process has been very helpful and advantageous to the City. He stated that one key component negotiated into the contract, to minimize the risk of investment that the City is making, is a series of letters of credit provided by IBM throughout the implementation. This will make sure that not until the WiFi system is fully tested, given to the City and accepted, will the City's release of credit be provided.

Patricia Walker, Chief Financial Officer, introduced the item.

Vice-Mayor Gross stated that the public benefit package is impressive.

Matt Liebowitz, Esq., spoke.

Robert Switkes, representing Atlantic Broadband and speaking on behalf of Bobby Jenkins, President of the Fraternal Order of Police (FOP) stated that this system should not include Police and Fire Departments.

Commissioner Garcia requested that Jorge Gonzalez, City Manager, allow the experts from the Police and Fire Departments to speak on the subject at this meeting.

Al Brown, Vice President with Wire Facilities Incorporated (WFI) from San Diego California, spoke.

Donna Garofano, Vice President for Atlantic Broadband, spoke.

David Kelsey spoke.

Richard Truocchio, with Ocean Wireless, spoke.

Marty Evans spoke.

Yorke Rhoads with IBM spoke.

Mayor Dermer recognized Nancy Liebman in the audience.

Police Captain P. W. Rhames from Fresno, California spoke.

Commissioner Garcia asked Captain Rhames on the security of the information and the safety measures to insure that. He asked the City Manager to have the City's experts on this subject answer his question.

Yorke Roads with IBM spoke.

Patricia Walker, Chief Financial Officer, explained the payments and the letters of credit.

Commissioner Garcia asked what would happen if the system does not work and buildings are already wired, do they receive their money back.

Patricia Walker, Chief Financial Officer, explained that the buildings will not be wired until after the acceptance testing.

Matt Stone, Senior Partner and Co-founder of Civitium LLC, spoke.

Commissioner Garcia stated that he is not convinced that this will be a secured system. He wants the experts from Police and Fire Departments to provide answers to his questions. He is also concerned with the cost to the consumers and added that this has been a consideration when awarding the contract and concluded that to him this is the same as Cyborg.

Commissioner Steinberg looks forward to the day that he can open a laptop anywhere in the City and be able to connect to the Internet for free, and a lot of people are probably looking forward to that day as well.

Jorge Gonzalez, City Manager, explained that this was a very complicated process that has taken a lot of time and energy over the last 12 to 16 months. Patricia Walker played an integral part in bringing this project to this point. He thanked Gladys Acosta, Nelson Martinez, Ariel Sosa, Aziz Aboreden – IT; Mike Alvarez and the street lighting crew from Public Works; Marvin Sarria, Jorge Fernandez, Juan Iglesias, and Jose Pantaleon who were all involved in making this happen, also Gus Lopez, Procurement, and Matt Stone, Senior Partner and Co-founder of Civitium LLC, and Matt Leibowitz. The prospect is an exciting service to be provided to the City of Miami Beach.

Commissioner Garcia requested from the Administration a full report on the Cyborg System, the history, how it was presented to the City and implemented including the ultimate cost to the citizens.
Patricia Walker to handle.

Handout or Reference Materials:

1. Written presentation by Dave P. McClure, President & CEO of US Internet Industry Association
2. Copy of the City of Miami Beach PowerPoint presentation given by Patricia Walker, CFO
3. Copy of the PowerPoint presentation given by Fresno, California, Police Captain P. W. Rhames
4. Copy of the PowerPoint presentation by IBM entitled "Partnered for Success."
5. Copy of US map indicating US Municipal 6 Wireless Broadband Developments
6. City of Miami Beach Analysis for WiFi vs. Current Wireless Technology

City Clerk Cross reference WiFi

5:40:41 p.m.**Special Announcement:**

Murray Dubbin, City Attorney, announced his intention to step down as City Attorney. The City Attorney's Office has an efficient legal team and he is proud to serve this exciting, fun City, and one of the most popular destinations in the world. His responsibility under the City Charter is to provide legal advice to City officials, and he feels fortunate to serve as legal advisor to a world class administrator and staff. He added that his last date is April 12, 2006, making it 10 ½ years of service as City Attorney. He added that he is not "retiring," but plans to serve as mediator and arbitrator on dispute between local governments and devote more time to his family and grandchildren.

Mayor Dermer wished him the best of luck and success on his future endeavors.

Commissioner Cruz stated that it has truly been an honor and a pleasure to sit next to him at the dais. He is very happy for his retirement and sad for the City's loss.

Commissioner Steinberg thanked Mr. Dubbin for his guidance when he was first elected as Commissioner and expressed his appreciation.

Commissioner Bower also thanked Mr. Dubbin for his guidance and suggested that he develop his artistic talent; since she has seen all his drawings and doodlings; she added that it has been a pleasure.

Vice-Mayor Gross stated that his experience in Tallahassee has brought political reality to his advices. He stated that Mr. Dubbin has the highest integrity and the Legal Department has functioned completely without reproach. He will miss his sense of humor as well.

Commissioner Libbin stated that he is at a disadvantage because he is losing this training. He added that Mr. Dubbin is the only City Attorney who served two Cities at the same time and thanked him on behalf of the residents for the years of service to Miami Beach.

Commissioner Garcia stated that he is at a loss for words. He will miss him a lot and he knows that in the future he is only a phone call away.

Motion made by Commissioner Cruz to endorse and recommend Jose Smith for the new position of City Attorney; seconded by Commissioner Bower; Voice vote: 7-0. Jorge Gonzalez, City Manager, and Mayor Dermer to negotiate the contract.

Vice-Mayor Gross stated that there should be an item on the agenda for discussion and to consider a process. He stated that Jose Smith may very well be the best candidate.

Mayor Dermer explained that he has known Jose Smith for a long time. He is a person with incredible integrity. A seamless transition is very important for the Legal Department. He is concerned that by entering into a process it can become a very political process and that is why he supports this motion.

Commissioner Steinberg agrees with Mayor Dermer. He realized that by going into the process, somebody may have a better resume but will not have his confidence. He feels comfortable with Jose Smith because of all of the unknowns with other candidates. It will not be fair to candidates knowing the sentiment of the City Commission. He supports the motion.

Commissioner Libbin agrees with Vice-Mayor Gross. He has spoken to Jose Smith and told him he feels uncomfortable with an appointment and he wants to hear where the majority lies.

Commissioner Garcia stated that going through the process it will be an unbiased process because

everyone has made up their minds. He would ask that Jose Smith maintains the same staff in the Legal Department to maintain his level of comfort.

Commissioner Cruz stated that when the City does not have anyone available, the City goes through a process, as was done with the City Manager and prior to that with Sergio Rodriguez. He added that there is precedent, and when somebody is good, they are pursued. On this instance, Jose Smith has demonstrated his capabilities legally and knows the City intimately, and he does not want to politicize the process.

Mayor Dermer stated that Jorge Gonzalez, City Manager, informed him to assign someone to speak to Jose Smith and negotiate a contract. He will sit with the City Manager and decide this.

Murray Dubbin, City Attorney, announced that Michael Aller, Chairman of Protocol, has coordinated a "going-away" luncheon on April 6 at the Convention Hall.

6:35:54 p.m.

Jose Smith, City Attorney Designee, stated that he is deeply touched for the trust and confidence placed on him. He is ready to get to work. He stated that Murray Dubbin is his friend, his colleague, his mentor and he is the Dean of all Municipal Attorneys. He explained that he feels like the guy that replaced Dan Marino. He looks forward to working with Mr. Dubbin. As a practicing attorney, he stated that he could have not dreamed of having a better client than the City of Miami Beach. He pledged that he would always maintain the highest professional and ethical standards and integrity. He is very overwhelmed by this. He thanked everyone.

10:39:42 p.m.

R7E A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report And Adjusting His Employment Contract Accordingly.

(City Manager's Office)

(Memorandum & Resolution to be submitted in Supplemental)

ACTION: Resolution No. 2006-26155 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Mayra Diaz Buttacavoli to handle.

Vice-Mayor Gross stated that the City continues to get better each year especially because of the City Manager's efforts in managing the City's finances, the City's organizational structure, and by hiring competent personnel which increases the City's human resource talent to carry on. He explained that the City Manager has done a great job under very difficult circumstances such as the hurricanes; he has improved communications with the City Commission by keeping the Commission up-to-date on what is going on in the City which is not an easy job because of the many activities that are going on. He stated that the areas which need to be focused on are the Capital Improvement Projects and the area of communication with the citizens. There has been some good progress made in communicating with the citizens. The MB Magazine is a good start. He emphasized that the City needs to continue improving on the quality of the communications. He stated that he is very happy with the City Manager. He also mentioned that the City Manager brought almost \$30 million to the City between the RDA negotiations and the Convention Development Tax negotiations. These two items really made the Commission look good in this year's budget which helped to fund capital projects, established free park programs for the residents, and a budget that started to address some of the structural weakness. He explained that setting the strategic plan based on the resident's survey results has become a very important tool for the City Commission in setting policies and the City Manager has done a good job in keeping the City Commission focused on the strategic plan.

Commissioner Steinberg stated that the City Manager had done a fine job this year. He explained

that the City had an opportunity to shine during the hurricanes and he was very impressed with the way the organization performed. He noted that in the past one of the major criticisms has been the communications. There has been an improvement in communications both externally and internally. The LTC sent electronically, the Bi-Weekly Update Report, as well as other communications have improved the overall communications. He commended the City Manager for the job he is doing and thanked him.

Commissioner Bower stated that the City Manager has done a great job and he is very professional and not political. She stated that with regards to communications, overall she is kept informed of the important issues. She stated that she appreciates the fact that he listens to her when she brings issues to him and although he can't do all of them, he tries to resolve as many as possible. She stated that the City Manager listens to the Commission. Overall the City Manager's performance is exemplary and he is the example of the City Manager that every city should have.

Commissioner Cruz stated that the professionalism displayed by the City Manager is what is keeping the City moving forward. He explained that the mark of a good manager is to surround themselves with good quality personnel and he certainly does that. The City is doing great and we can't argue with success. This is a reflection of the way the City Manager runs the City. His continued success will bode well for the entire Commission. He added that the City Manager is running the organization in professional manner and as a Commissioner he can't ask for more.

Commissioner Garcia stated that the City Manager has done an incredible job and he was very impressed with the emergency management operations displayed during hurricanes; the City was never run better during an emergency. He stated that last year the City Manager did a very credible job. He added that the communications with him are lacking. As an example he pointed out the Cirque du Soleil project. He explained that the City Manager is a great promoter and has a fantastic Chief of Staff that does fantastic writing for him. He stated that the City Manager is surrounded by good people and he is probably one of the smartest politicians seating at the dais (and he means this as a compliment). He stated that he would be proud to have a son like him. Commissioner Garcia concluded by stating that the Administration owes him a report on Cyborg. Overall he is very happy and proud to work with Jorge.

Commissioner Libbin stated that he has only worked with the City Manager for a very short time as a Commissioner but as a citizen and as an activist he had many occasions to work with him. He stated that he is very pleased with the way everything has been handled in the City, particularly the Capital Improvement Projects, CIP. The CIP projects are a huge burden and this is in addition to all the everyday tasks. He stated that some days he gives the City Manager three, four, and five issues which need to be addressed. He appreciates the difficult job the City Manager has. He explained that the City Manager has done an excellent job in negotiating on behalf of the citizens. Jorge has been an excellent advocate and benefited the community greatly. He added that improvements in the Building Department are needed. He suggested that the City Manager be more "hands-on" in the management of the Building Department and in giving direction to the new building director. He stated that the amount of communication has increased with the magazines, the inserts and the flyers; however, he cautioned that it is not volume alone that counts. He is extremely pleased and glad the City Manager is here and it is important, as part of the City Manager's contract, that the Commission extend the contract by one additional year. This will give the City stability.

Mayor Dermer stated that the City Manager has done a sensational job and he has full faith and confidence in him. From the remarks made by the Commission he believes the full Commission has full faith and confidence in Jorge. He stated that the administrative staff certainly does. The City Manager has brought a lot of stability to the City and continues to do so. Jorge manages the City in an extraordinary fashion. He explained that the City Manager has advocated and executed the philosophy of this Commission very well, especially by keeping Miami Beach's monies in Miami Beach. That is a very big accomplishment. The City Manager has also made sure that the City is

holding onto its money. He is very proud that Jorge is here and stated that he is worth the money he gets paid. He added that the entire Commission is looking forward to working with the City Manager, definitely until the end of their tenure.

Jorge Gonzalez, City Manager, stated that he appreciates all the comments and that the vote of confidence given to him is very gratifying. He explained that these accomplishments could not have been done by him alone. He recognized the City Commission for their guidance. He appreciates the confidence given to him by allowing him to do his job. He also credited his staff beginning with his Assistant City Managers, all the way down through the organization. He feels this organization is far better now than when he first arrived. This organization is committed and they are leaders in their own right. He stated that the City is able to succeed because the staff understands and recognizes the leadership structure of the City. He would not be here without them. He thanked his staff and the City Commission for their confidence and support.

Handout or Reference Materials:

1. Memorandum from David Dermer, Mayor to Members of the City dated March 8, 2006 in reference to City Manager's Annual Performance Evaluation

R9 - New Business and Commission Requests

R9A/R9A2 Board And Committee Appointments.
(City Clerk's Office)

ACTION:

Committee on the Homeless;

Regina Berman	Term expires 12/31/07	Appointed by Commissioner Bower TL 12/13
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Community Development Advisory Committee:

Marta Martinez-Aleman	Term expires 12/31/06	Appointed by Commissioner Bower TL 12/13
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Design Review Board:

Thomas J. Deluca Reg. Arch.	Term Expires 12/31/06	City Commission Appointment TL 12/12/11
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Fine Arts Board:

George Neary	Term expires 12/31/07	Appointed by Mayor Dermer TL 12/07
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Health Facilities Authority Board:

Emilio Suster Gen. Bus.	Term expires 06/19/07	City Commission Appointment TL FS 154-207
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Miami Beach Commission on the Status of Women:

Marisue Beloff	Term expires 12/31/06	Appointed by Commissioner Steinberg TL 12/13
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Miami Beach Sister Cities Program:

Alfredo Rey	Term expires 12/31/07	Appointed by Mayor Dermer TL 12/09
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Oversight Committee for General Obligation Bond:

Donna Feig	North Beach	Term expires 12/31/07	City Commission Appointment TL12/11
Judy Gelber	North Beach	Term expires 12/31/06	City Commission Appointment TL12/11
Ruth Remington	South Beach	Term expires 12/31/07	City Commission Appointment TL12/11
Sara Gutierrez representative from the Miami Beach Chamber of Commerce.			

Planning Board:

Mathew Adler, Dev.	Term expires 12/31/07	City Commission Appointment TL 12/11
Theodore Berman, Gen.Bus.	Term expires 12/31/07	City Commission Appointment TL 12/09
Marlo Courtney, H.P.	Term expires 12.31/07	City Commission Appointment TL 12/09
Robert Kaplan, Gen. Bus.	Term expires 12/31/07	City Commission Appointment TL 12/11

Handout or Reference Materials:

1. Letter from Alan G. Randolph, Chairman, Miami Beach Chamber of Commerce, to Jorge Gonzalez, City Manager, dated February 27, 2006, RE: Appointment of Sara Gutierrez to the G.O. Bond Committee

10:56:00 p.m.

R9A(2) Board and Committee Appointments:

1. Design Review Board:

Motion made by Commissioner Bower to nominate Thomas J. DeLuca to the Design and Review Board to the Registered Architect position; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Mayor Dermer.

2. Health Advisory Committee:

Item not reached.

3. Health Facilities Authority Board:

Motion made by Commissioner Bower to nominate Emilio Suster to the Health Facilities Authority Board as General Business; seconded by Commissioner Libbin; Voice vote 6-0; Absent: Mayor Dermer.

4. Oversight Committee for General Obligation Bond:

Motion made by Commissioner Libbin to nominate Donna Feig to the Oversight Committee for General Obligation Bond as the North Beach appointment; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Mayor Dermer.

Ruth Remington and Phil Cousins were nominated to the Oversight Committee for General Obligation Bond as the South Beach appointment; Ballot vote: Ruth Remington received 4 votes, Phil Cousins received 2 votes; Absent: Mayor Dermer.

Motion made by Commissioner Libbin to nominate Judy Gelber to the Oversight Committee for the General Obligation Bond as the North Beach appointment; seconded by Commissioner Garcia; Voice vote 6-0; Absent: Mayor Dermer.

5. Personnel Board:

Item not reached.

6: Planning Board:

Motion made to nominate Marlo Courtney, Joy Malakoff, Robert Kaplan, Mathew Adler, Theodore Berman, Roberto Sanchez, and Michael Gongora to the Planning Board; First Ballot Vote: Marlo Courtney received 5 votes, Joy Malakoff received 4 vote, Robert Kaplan received 4 votes, Mathew Adler received 6 votes, Theodore Berman received 5 votes, Roberto Sanchez received 2 votes, and Michael Gongora received 2 votes.

Second Ballot vote:

Joy Malakoff received 3 votes, and Robert Kaplan received 4 votes.

Handout or Reference Materials:

1. One set of ballot for the Oversight Committee for General Obligation Bond
2. Two Sets of ballots Planning Board #1, and Planning Board #2

10:59:07 p.m.**New Item:**

Motion made by Commissioner Bower to refer the party house issue to the Land Use and Development Committee for discussion; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Mayor Dermer. **Jorge Gomez to place on the committee agenda and to handle.**

3:55:07 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.).

ACTION:

Rip Holmes stated that he is a resident and has been a taxi driver in Miami Beach for the last seven years. He used to be a recipient of Section 8 housing on property on Miracle Mile and he is also a commercial real estate agent. He praised the Mayor and Commissioners for their great work. He stated that from his experiences driving a taxi and having a family business in Oregon he can say that Miami Beach is the best community in the country. He asked the City Commission to keep up the great work. He added that sees accidents first hand and it would be desirable to shift some of the development to North Beach. As a former recipient of Section 8 housing, now that Resident Commissioner Rosalia Lopez has resigned, he recommends Marty Cohen for Resident Commissioner in the Housing Authority. There is no other resident that could assume this position.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.**10:26:26 p.m.**R9C Discussion Regarding The Normandy Isle Park And Pool Project.
(Capital Improvement Projects)

ACTION: Motion made by Commissioner Bower to refer to the Finance and Citywide Projects Committee; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to place on the committee agenda.

Jorge Gonzalez, City Manager, stated that there is not enough information available at this time and requested that this item and Report E be referred to the Finance and Citywide Projects Committee. Patricia Walker to place on the committee agenda. Jorge Chartrand to handle.

City Clerk's Note: See LTC 054-2006

10:26:57 a.m.**Announcement:**

Robert Parcher, City Clerk, announced that Item R9H has been moved to the Consent Agenda as Item C7U.

11:18:36 a.m.

R9D Discussion And Referral To The Finance And Citywide Projects Committee - Mount Sinai Medical Center Request For Hurricane Mitigation Funding.
(Requested by Commissioners Richard L. Steinberg, Simon Cruz & Luis R. Garcia, Jr.)

ACTION: Discussion held. **Item referred.** Motion made by Commissioner Libbin to refer the issue of the hurricane windows (\$1.9 million) for emergency funding to the Finance and Citywide Projects Committee; seconded by Commissioner Cruz; Voice vote 7-0. Patricia Walker to place on the committee agenda. Patricia Walker to handle.

Commissioner Cruz stated that he met with Steven Sonenreich to discuss the damages done by hurricanes Katrina and Wilma, the hurricane relief he is requesting, and also the matter of maintenance, etc.

Steven Sonenreich, Mt. Sinai Medical Center's President and CEO, gave a PowerPoint presentation.

Commissioner Garcia explained that he brought this issue forward because Mount Sinai Hospital has always been a constant figure on Miami Beach. He understands that due to the bond issue for Mount Sinai Hospital there are some funds available that could be used to ease the plight of this institution.

Motion made by Commissioner Libbin to refer to the Finance and Citywide Projects Committee the \$1.9 million item; seconded by Commissioner Cruz. Commissioner Libbin continued to say that everyone understands the importance of maintaining this institution and the City has a responsibility to see what can be done to help them. He suggested pursuing a tax relief for this facility; there are funds from the Health Facility Advisory Board that may be used. Also the City has ongoing expenses due to testing for City employees and maybe something could be worked out between the City and the hospital.

Commissioner Cruz stated that if the City derives funds from the hospital, it is only fair to earmark funds back to the hospital. He explained that the second request for the maintenance will require more research and understanding, but the \$1.9 million request could be resolved between the Finance Citywide Projects Committee and the Health Facilities Advisory. He acknowledged Dalia Glutman in the audience and thanked her for following in her husband's footsteps and helping the hospital.

Commissioner Bower stated she is concerned about \$35 million dollars being asked of the City of Miami Beach; she further explained that there are other health clinics that do not have hurricane protection. She requested that when this item goes to the Finance and Citywide Projects Committee that a list of City facilities which still require hurricane protection and the approximate cost be presented. **Fred Beckmann to handle.**

Steven Sonenreich, Mt. Sinai Medical Center's President and CEO, spoke.

Jorge Gonzalez, City Manager, clarified that the Health Facilities Authority account only has a little over \$1 million dollars.

Commissioner Steinberg thanked his colleagues and Steve and he is glad that this discussion is taking place.

Vice-Mayor Gross stated that when the City participated in the issuances of some municipal bonds on behalf of Mt. Sinai, or a transaction that Mt. Sinai was involved in, there were some fees paid by Mt. Sinai to the Health Facilities Advisory (HFA) of the City, and it is that money that is being discussed today. That money, to the best of his knowledge has been sitting unused in the HFA fund.

Vice-Mayor Gross stated that it is appropriate for the Commission to dedicate those monies in the

HFA account to help the needs of the community. If there are other organizations who feel they are eligible for funding they should also apply. A discussion should be held in the Finance and Citywide Projects Committee meeting about the process to be used to allocate the money. Since Mt. Sinai paid the dollars as fees, they have a strong case for entitlement to the money. As far as the \$35 million goes, it is the City's responsibility to the residents to fund capital improvement projects first and other city facilities. **Patricia Walker to handle.**

Commissioner Garcia stated he does not agree with combining Mount Sinai Hospital with other health facilities and the issue needs to be addressed or the City will lose the only medical facility it has. He also mentioned that Stanley Meyer Medical facility should also be included.

Commissioner Cruz stated that there needs to be a dialogue; the \$1.9 million needs to be addressed quickly and the \$35 millions is a policy decision. He explained that the City Commission and the City Administration need to decide if this is something that is important and how can the City help, because as Mount Sinai goes so does the healthcare in this community.

Mayor Dermer stated that he is very glad that Vice-Mayor Gross is the Chairperson of the Finance and Citywide Projects Committee. He agrees with the position taken by Commissioner Bower and Vice-Mayor Gross. He asked if the City should be buying into other areas that the City has not ownership or jurisdiction over. He asked if in the real business world, would one give \$35 million without any ownership interest? This is not a public hospital. The City Commission has a City to run and responsibilities for fire, police, sanitation, etc. He questions the role of government.

Steven Sonenreich, Mt. Sinai Medical Center's President and CEO, spoke.

Mayor Dermer wants the numbers and all the details to be known by the public and also their opinion as to where their tax monies are going. He plans to make it a real public debate.

Discussion continued.

Commissioner Cruz stated that as an important component of the City, it merits sitting down and discussing what vehicles, if any, this Commission can come up with.

Mayor Dermer stated that the City will do whatever they can to help the hospital obtain funds from other agencies such as FEMA, but the City has a role with its own disaster.

Commissioner Garcia stated that FEMA failed and that public safety is the responsibility of government and this is public safety. He added that it is eminent for the City to comply with the \$1.9 million for the safety of the residents, and for the \$35 million the City can certainly look into that at a future time.

Mayor Dermer stated that there is consensus on the bifurcation of the issues.

Commissioner Libbin stated that the purpose of sending this to the Finance Committee is to look at options and have discussions. Motion made by Commissioner Libbin to refer this issue to the Finance and Citywide Projects Committee.

Vice-Mayor Gross requested two motions:

1. For the funds in the Health Facilities Advisory Committee account
2. For the \$35 million request

Commissioner Libbin stated that the referral is for the \$1.9 million.

Jorge Gonzalez, City Manager, stated that the issue of the funds in the Health Facilities Advisory

Board is that is not really large recurring dollars; the question is how to spend the \$1.3 million, what criteria will be used, the process to allocate that money, the application process and review, etc.

Commissioner Bower stated that at the Finance Committee the discussion should be focused on the process to be used to disband the funds from the Health Facilities Advisory Board.

Commissioner Libbin stated that a process can be established and also consider the \$1.9 million request.

Steve Sonenreich, Mt. Sinai Medical Center's President and CEO, stated that the Health Facilities Authority passed a resolution to release the \$1.3 million about a year ago.

Patricia Walker, Chief Financial Officer, explained that the Health Facilities Authority Board made a motion to ask the Health Advisory Committee to look at all the health programs in the City to see what health programs were needed, it was a component part of the beginning of looking for ways to look at the process for allocation of funds.

Mayor Dermer stated that the referral of the \$1.3 million to the Finance and Citywide Projects is being done without objection.

Motion made by Commissioner Cruz to instruct the City Administration to look for funds and for ways to help the hospital; seconded by Commissioner Libbin. No vote taken.

Commissioner Libbin stated that there are other things that could be worked out between the City and the hospital such as a tax relief, or a way to create workforce housing and he would like an opportunity to discuss this.

Motion made by Commissioner Bower that the City will not discuss handing out \$35 million dollars from the City's budget; seconded by Commissioner Libbin; Voice vote 7-0.

Motion made by Commissioner Bower to come up with creative ideas to help Mount Sinai get funds; seconded by Commissioner Libbin; Voice vote: 7-0. She amended the motion by asking Mount Sinai to come up with creative ideas.

Commissioner Garcia asked for the City Commission to be kept informed of all of these discussions. City Manager's Office to handle.

Mayor Dermer requested an LTC from the City Manager.

City Clerk's Note: See LTC 055-2006

1:35:47 p.m.

R9E The Committee Of The Whole Will Meet During Lunch Break In The Mayor's Conference Room To Discuss The City Manager's Performance Evaluation.
(Requested by Mayor David Dermer Pursuant to Commissioner Richard L. Steinberg's Request)

ACTION: Notice of the Committee of the Whole Meeting read by Robert Parcher, City Clerk.

Meeting called to order at 1:35:47 p.m.

Commissioner Steinberg requested this meeting because he felt that a Committee of the Whole meeting provides a better forum for the Commission to negotiate with the City Manager instead of the Commission meeting individually with him to negotiate.

Jorge Gonzalez, City Manager, presented a list of his accomplishments over the last year. He stated that what is being recommended is a performance based merit increase, a performance bonus, a cost-of-living adjustment, and adding one year to the contract so it is another three year contract. What is being recommended is consistent with what has been done in past years. He stated that he will continue to receive the housing allowance, use of a City vehicle, deferred compensation and health insurance. He also presented a comparison of County/City Managers salaries around the County.

Vice-Mayor Gross stated that last year the City Manager brought in \$110 million of G. O. Bond money from the County. The RDA negotiations and the Convention Development Tax negotiations took place in 2004 but the benefit of those negotiations took effect this budget year adding approximately \$40 million dollars of annual reoccurring money.

Jorge Gonzalez, City Manager, stated that probably the most significant accomplishment this year was related to the Administration's response to Hurricane Wilma. By all accounts the hurricane activities were handled in a manner which everyone should be very proud of. He added that without question Miami Beach was affected dramatically by Hurricane Wilma and the Administration responded to the challenges.

Commissioner Libbin stated that he has only served a couple of months as a Commissioner; however, as a resident of 23 years, he believes Jorge has done an incredible job. He stated that he does not remember the City being anywhere near the mode of growth and development in which the City is in today. Overall he believes Jorge has done an exceptional job. He added that some people may comment negatively about the amount of money Jorge is receiving; however, if the City wants talented people, it has to pay them accordingly if the City wants to retain them. The City is fortunate to have Jorge and he has no problem moving his request.

Motion made by Commissioner Libbin to accept the City Manager's recommendation; seconded by Commissioner Bower.

Discussion continued.

Commissioner Steinberg asked that the Committee of the Whole pay more attention to the contract although he is fine with what is being requested.

Commissioner Cruz stated that the City has a policy that is not seen in the private sector. There is an automatic COLA increase along with annual reviews. In the private sector the COLA is included in any rate increase. The annual rate increases are in the 8 to 8.5% range. This is an item going forward in union negotiations that needs to be looked at. He also stated that whenever employees get to a certain level, their titles and positions are moved to a higher classification and this can be a huge salary escalator. These are issues that need to be looked at in the next negotiation.

Commissioner Garcia stated that the City Manager's performance was stellar. He doesn't agree with everything the City Manager does nor how he does it and he has discussed this with him. He stated that Jorge is a very good manager. He added that he is okay with the pay raise but the one thing that he questions is the rolling contract or the adding of one year to the contract.

Commissioner Cruz stated that he asked this question a couple of years ago and added that realistically one year for a chief executive is about standard.

Commissioner Libbin stated that by not adding the one year it is not good for the City Manager nor is it good for the City.

Commissioner Cruz believes the City of Miami Beach is the most professional run city in the entire County.

Mayor Dermer agrees with Commissioner Cruz and added that the stability issue is extremely important. He stated that it will be a difficult situation if the City loses the Manager. He stated that there is other talent but the way the City is run on a day-to-day basis, the negotiations and the fiscal health of the City is much better than it was eight years ago. He added that he has full confidence in the City Manager.

Vice-Mayor Gross stated that Jorge is a professional manager.

Commission Steinberg suggested that any bonus awarded is made as a year to year decision. This year the bonus is because of the hurricane response. The bonus is not guaranteed from year to year.

Commissioner Bower stated that she has dealt with a lot of city managers. She stated that Jorge is a professional and not a politician and that makes a big difference. He deserves the bonus not only because of his hurricane activities but because of the extra things he does. She added that a bonus is the extra appreciation given to an employee for a job well done through the whole year. Jorge balances the development in the community with the socioeconomic problems. The City Manager listens to the needs of the community.

Commissioner Garcia stated that sometimes he feels like he is left out of the loop. He requested that the same information is provided to the entire Commission. He stated that he doesn't go out to lunch with the City Manager and that he stopped going to Agenda Reviews for awhile.

Vice-Mayor Gross stated that going to lunch and during Agenda Reviews a lot of information is exchanged.

Commissioner Garcia stated that all he is asking for is to be kept informed.

The motion was approved without objection.

Mayor Dermer congratulated the City Manager.

Meeting was adjourned at 2:06:03 p.m.

11:07:13 a.m.

R9F Discussion Regarding A Resolution Urging The Florida Legislature To Ratify The Proposed Equal Rights Amendment To The United States Constitution And Authorizing The City Clerk To Send Certified Copies Of This Resolution To The President Of The Florida Senate, The Speaker Of The Florida House, And The Governor Of Florida.

(Requested by Mayor David Dermer)

ACTION: Discussion held. **Resolution No. 2006-26130 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. R. Parcher to transmit the resolution to the President of the Florida Senate, the Speaker of the Florida House and the Governor of Florida.

Elizabeth Schwartz stated that there is a hearing next Thursday in Tallahassee and wants to submit resolutions from different municipalities in support of this amendment.

6:03:34 p.m.

R9G Discussion Regarding Procedure For Distributing Homeowner's Dividend Fund.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held.

Commissioner Steinberg stated that a couple of months ago he had brought forth this issue but unfortunately it was at the end of the meeting and there was no time to thoroughly discuss it. He stated that his desire was to take any undesignated funds or unclaimed funds and use those funds to augment the public education system in Miami Beach. He explained that in the resident's survey, the response was in support of this by 73%. He stated that the Chamber of Commerce also expressed a desire to support this initiative.

Mayor Dermer stated that the City went through a long budget process and a City Commission Retreat. At the Retreat, the Commission voted on certain priorities and to do certain things. This was done a year ago. Among those priorities was the WiFi which was finalized at today's meeting. Commissioner Bower had an initiative on free parks which has been done. Vice-Mayor Gross had an initiative relating to the City's reserve fund and the Capital Improvement fund, which has been done. He explained that it would be a nice gesture to share with the homesteaded residents the success of the City by sending them a check from the government for \$200 to do whatever they want to do with the money. The money can be given to North Beach Elementary School, the Hebrew Academy, St. Patrick's, they can give it to the baseball program, or buy groceries; but Miami Beach has taxpayers that work very hard and pay public school taxes in the amount of a budget of \$4.5 billion dollars and now they want more of the City's money. He stated that he understands the Commissioner's proposal which is to force the homesteaded residents to send a letter that has to be sent back to the City to get their money. If they don't send the letter back then the money can go somewhere else. He is upset that this is being obstructed at the last minute after having voted to do it. He asked what is so wrong with sending the people of Miami Beach a check. Why does the City need to make it difficult for the people? He stated that this is pure obstruction of the public good.

Commissioner Steinberg responded that the process was changed at the last minute. The City Manager had the process in place that was going to send letters asking the people to indicate that they were qualified for it, sign and send it back. This was always the process.

Mayor Dermer disagreed; the Commission voted to send the checks out.

Vice-Mayor Gross stated that he remembers there was a lengthy discussion and it was agreed that the money will be sent out. He does not know why the City waited until March; he thought the checks will be sent out in November. He reminded Mayor Dermer that this was not allowed to be tied to the

property tax because otherwise everybody paying property tax will be entitled to a rebate. He stated that the check is separate from the property tax, and furthermore he doesn't think it is legitimate to see who had or hadn't paid property taxes. He stated that he agrees with the Mayor and the City should just send the checks.

Commissioner Bower stated that the City Commission agreed to send the checks and if they want a letter stating that the checks can be mailed to another agency that is fine. This was a gesture on the part of the City to return a sum of money to the homesteaded property owners to show that the City is doing well. She stated that the correct thing to do is to send the checks to the homesteaded property owners and let them decide what they would like to do with the money. She stated that a note could be included with the check letting the homesteaded property owners know that if they want to give the money to a school they can. Let the residents decide what to do with the money.

Commissioner Cruz explained that Commissioner Steinberg's intention is good but the City Commission already made a decision on this. He explained that this is Mayor Dermer's issue and needs to be honored and respected and the checks should be sent out as quickly as possible.

Commissioner Garcia mentioned that he voted against it because at that time he thought it was not fair since not everyone was receiving it. He stated that he does not think what Commissioner Steinberg wants to do is legal. He strongly requested from the Administration to include with the checks a list of organizations where the checks could be donated.

Mayor Dermer stated that he met with Karen Rivo and explained to her that this is very important and to let the people have their money. He also said to her that there may be some worthy things that can be done as a line-item in the next City budget for the education community. This issue has already been voted on and trying to change it at the eleventh hour is wrong.

Commissioner Libbin stated that he was not on the Commission when this was discussed but feels that if a commitment is made to give a refund it is inappropriate not to follow through. He explained that he wants to support education and suggested that initiatives be looked into during the next City Commission Retreat.

Mayor Dermer stated that he prefers having the checks mailed to the homesteaded property owners without any letters attached. He stated that there may be 500 worthy organizations in the City and the City should not be suggesting organizations to give the money to. Just give the people their money.

Commissioner Steinberg asked Mayor Dermer if he is not in favor of establishing an education fund and let the people know about the fund and allow them to send the check back to the City to support education if they want to, when 73% of the residents indicated that is something they would like to do.

Mayor Dermer stated that it will be better in the next budget cycle, if there is commitment and consensus to set up an educational fund, put some seed money in the fund, work to leverage it with some grants in the future and have a line item in the budget. He asked the City Manager if the checks are going out.

Jorge Gonzalez, City Manager, stated apparently so.

Mayor Dermer stated that accompanying the checks should be a letter thanking the residents on behalf of the City signed by the members of the City Commission. **Patricia Walker to handle.**

Karen Rivo, Chairperson for the Committee for Quality Education in Miami Beach, spoke.

Leslie Collier spoke.

Merri Mann, member of the Committee for Quality Education in Miami Beach, spoke.

Commissioner Garcia stated that in the past the City Commission has talked about creating a charter school system on Miami Beach. He stated that maybe it is time to bring back that idea and should start working towards that goal.

Jason Yedwab spoke.

Mayor Dermer stated that the City Commission will give consideration to this issue at the next budget process.

Addendum:

R9H Discussion Regarding A Resolution Urging The Florida Legislature To Enact Legislation, Including A Joint Resolution Proposing A Constitutional Amendment If Necessary, To Provide Property Appraisers Statewide An Alternative Assessment Approach For Multifamily Affordable Housing Properties.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Item moved to the Consent Agenda as item C7U.

Reports and Informational Items

A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.
(Capital Improvement Projects)

ACTION: Written report submitted.

D Status Report On The Construction Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

E Status Report On The Normandy Isle Park And Pool Project.
(Capital Improvement Projects)

ACTION: Written report submitted and referred to the Finance and Citywide Projects Committee with Item R9C.

- F Status Report On Pump Station No. 28.
(Capital Improvement Projects)

ACTION: Written report submitted.

- G Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County,
U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Page 632)
- (Procurement)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive****March 8, 2006**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jerry Libbin
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA**1. OLD BUSINESS**

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of January 2006.
(Finance Department)

ACTION: Written report submitted.

2. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Chairman And Secretary To Execute Quit Claim Deeds From The RDA, As Grantor, To The City Of Miami Beach, As Grantee, For The Following RDA-Owned Properties: A) Condominium No. CU-2, Of The Courts At South Beach, Located At 131 Alton Road, The South Shore Branch Library; And B) The Municipal Surface Parking Lot, Located At 224 23rd Street.
(Redevelopment Agency)

ACTION: Resolution No. 526-2006 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Kent Bonde to handle.

Kent Bonde, Redevelopment Coordinator, presented the item.

B

A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Approving The One (1) Year Renewal Option To The Management And Leasing Agreement With The Miami Beach Community Development Corporation (MBCDC), In Association With Felenstein Koniver Stern Realty Group (FKS), For The Management And Leasing Of The Retail Component Of The Anchor Shops And Parking Garage, In Accordance With Section 9.1 Of The Agreement; Said Renewal Term Commencing On May 1, 2006, And Ending On April 30, 2007.

(Redevelopment Agency)

ACTION: Resolution No. 527-2006 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Kent Bonde to handle.

Kent Bonde, Redevelopment Coordinator, introduced the item.

Meeting adjourned at 11:17:24 p.m.

End of RDA Agenda